

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10
11 GREGORY W. CHAPMAN,
12 Petitioner,

13 v.

14 JEFFREY UTTECHT,
15 Respondent.

CASE NO. C10-5418 RJB

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DENYING PETITION FOR WRIT OF
HABEAS CORPUS

16 This matter comes before the court on the Report and Recommendation of the Magistrate
17 Judge. Dkt. 31. The court has reviewed the relevant documents and the remainder of the file
18 herein.

19 On May 2, 2013, U.S. Magistrate Judge Karen L. Strombom issued a Report and
20 Recommendation, recommending that the petition for writ of habeas corpus be denied. Dkt. 31.

21 On May 15, 2013, petition filed objections to the Report and Recommendation. Dkt. 32.

22 The court has reviewed the record *de novo*. The court concurs with the magistrate
23 judge's thorough and careful analysis of petitioner's claims.

1 Petitioner's objections are without merit for the following reasons: (1) the claim of
2 prosecutorial misconduct is without merit because, during closing, the prosecutor argued
3 legitimate inferences from the evidence (Dkt. 30, Exh. 92, at 61-62); (2) *Brady v. Maryland*, 373
4 U.S. 83 (1963) does not apply to the facts of this case; and (3) the ineffective assistance of
5 counsel claim is without merit, for the reasons stated by the Washington Court of Appeals and by
6 the magistrate judge in the Report and Recommendation.

7 Accordingly, the court **ADOPTS** the Report and Recommendation (Dkt. 31). The
8 petition for writ of habeas corpus is **DENIED**. A Certificate of Appealability is **DENIED**. This
9 case is **DISMISSED WITH PREJUDICE**.

10 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
11 to any party appearing *pro se* at said party's last known address.

12 Dated this 31st day of May, 2013.

13
14 

15 ROBERT J. BRYAN
16 United States District Judge
17
18
19
20
21
22
23
24