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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 RALPH HOWARD BLAKELY,
9
10 Petitioner,

11 v.

12 PATRICK GLEBE,
13
14 Respondent.

CASE NO. C14-5244 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION


15 This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 15), and Petitioner Ralph Howard Blakely’s (“Blakely”) objections to the R&R (Dkt. 16).

16 On June 19, 2014, Judge Strombom issued the R&R recommending that the Court transfer Blakely’s petition to the Ninth Circuit because it is a second or successive petition. Dkt. 15. Blakely objects to the transfer on the basis that he is actually innocent. Dkt. 16. Whether or not Blakely is actually innocent does not change the fact that he must seek permission from the Ninth Circuit before filing a second or successive petition. 28 U.S.C. § 2244(b)(3)(A).

Therefore, the Court having considered the R&R, Blakely's objections, and the remaining record, does hereby find and order as follows:

- (1) The R&R is **ADOPTED**;
- (2) The Clerk shall **TRANSFER** the petition to the Ninth Circuit; and
- (3) This case shall be administratively closed.

Dated this 13th day of August, 2014.


BENJAMIN H. SETTLE
United States District Judge