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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 DARRELL PARNEL BERRIAN,

7 Petitioner,

8 v.

9 STATE OF WASHINGTON,

10 Respondent.

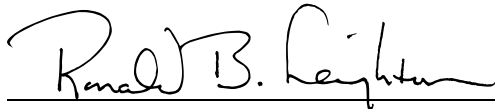
No. C14-5686 RBL-KLS

ORDER ADOPTING REPORT AND  
RECOMMENDATION

11 The Court, having reviewed the petition for writ of habeas corpus, the response, the  
12 Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report  
13 and Recommendation, if any, and the remaining record, does hereby find and **ORDER:**

- 14 (1) The Court adopts the Report and Recommendation.
- 15 (2) The petition for writ of habeas corpus is **DISMISSED WITHOUT**  
16 **PREJUDICE.** Petitioner's motion for application to proceed in forma pauperis  
17 (Dkt. 1) is **denied as moot.**
- 18 (3) The Clerk is directed to send copies of this Order to Petitioner, counsel for  
19 Respondent and to the Hon. Karen L. Strombom.

20 **DATED** this 10<sup>th</sup> day of October, 2014.

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23 RONALD B. LEIGHTON  
24 UNITED STATES DISTRICT JUDGE