

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

7
8 JOEL PAUL REESMAN,

Petitioner,

9 v.

10 RON HAYNES,

11 Respondent.

CASE NO. C16-5925 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

12
13 This matter comes before the Court on the Report and Recommendation (“R&R”)
14 of the Honorable Theresa L. Fricke, United States Magistrate Judge, Dkt. 86, and
15 Petitioner Joel Paul Reesman’s (“Reesman”) objections to the R&R, Dkt. 87.

16 On May 28, 2019, Judge Fricke issued the R&R recommending that the Court
17 deny Reesman’s actual innocence claim and deny a certificate of appealability. Dkt. 86.
18 On May 30, 2019, Reesman filed objections. Dkt. 87.

19 The district judge must determine de novo any part of the magistrate judge’s
20 disposition that has been properly objected to. The district judge may accept, reject, or
21 modify the recommended disposition; receive further evidence; or return the matter to the
22 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

1 In this case, Reesman simply disagrees with Judge Fricke's conclusions. The
2 Court, however, agrees with Judge Fricke that Reesman failed to show that no reasonable
3 juror would convict him based on the evidence he presented. Therefore, the Court having
4 considered the R&R, Reesman's objections, and the remaining record, does hereby find
5 and order as follows:

- 6 (1) The R&R is **ADOPTED**;
- 7 (2) Reesman's petition is **DENIED**;
- 8 (3) A Certificate of Appealability is **DENIED**; and
- 9 (4) The Clerk shall enter a JUDGMENT and close the case.

10 Dated this 10th day of July, 2019.

11 
12

13

BENJAMIN H. SETTLE
14 United States District Judge
15
16
17
18
19
20
21
22