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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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8 ROBERT BYRON LEE,

Petitioner,

9 v.

10 STATE OF WASHINGTON AND
MARGARET GILBERT,

11 Defendant.
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CASE NO. C17-5002 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation (“R&R”)
14 of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 49), and
15 Petitioner Robert Byron Lee’s (“Lee”) objections to the R&R (Dkt. 50).

16 On October 4, 2017, Judge Creatura issued the R&R recommending that the Court
17 deny Lee’s petition on the merits. Dkt. 49. On October 11, 2017, Lee filed objections.
18 Dkt. 50.

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, Lee failed to file substantive objections. Instead, Lee filed a short
2 declaration restating his grounds for relief and general objection to Judge Creatura's
3 denial of these grounds. Dkt. 50. Therefore, having considered the R&R, Lee's
4 objections, and the remaining record, the Court hereby finds and orders as follows:

- 5 (1) The R&R is **ADOPTED**;
- 6 (2) Lee's petition is **DENIED**;
- 7 (3) A Certificate of Appealability is **DENIED**;
- 8 (4) Lee's motion for transcripts on appeal is **DENIED**; and
- 9 (5) The Clerks shall enter **JUDGMENT** against Lee and close this case.

10 Dated this 8th day of November, 2017.

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13 BENJAMIN H. SETTLE
14 United States District Judge
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