

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN MICHAEL BALE,

Petitioner,

V.

DONALD HOLBROOK,

Respondent.

CASE NO. 3:17-cv-05188-RBL-JRC

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and **ORDER:**

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's habeas petition is DENIED as to grounds 9, 13, 15, 17, and 21.
- (3) Petitioner's ground 16 for habeas relief is DISMISSED as moot.

1 4) Petitioner's remaining grounds are DISMISSED with prejudice as unexhausted
2 and procedurally defaulted.

3 **DATED** this 28th day of November, 2017.

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6 Ronald B. Leighton
7 United States District Judge