

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JONATHAN D. SMITH,

Petitioner,

V.

DONALD HOLBROOK,

Respondent.

CASE NO. 3:17-CV-05664-RJB-JRC

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J.

Richard Creature, and the remaining record, does hereby find and **ORDER:**

- (1) The Court adopts the Report and Recommendation (Dkt. 8).
- (2) Petitioner's habeas petition is DISMISSED without prejudice; petitioner may refile his habeas petition when he has exhausted his state court remedies.

Dated this 27th day of November, 2017

Robert F. Bryan

ROBERT J. BRYAN
United States District Judge