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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 JONATHAN D. SMITH,
11 Petitioner,

12 v.

13 DONALD HOLBROOK,
14 Respondent.

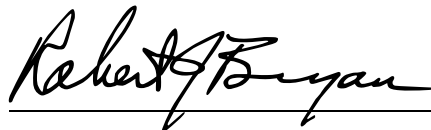
CASE NO. 3:17-CV-05664-RJB-JRC

ORDER ADOPTING REPORT AND
RECOMMENDATION

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

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

20 Dated this 27th day of November, 2017.

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23 ROBERT J. BRYAN
24 United States District Judge