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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 TRAVIS C. BAZE,

9 Petitioner,

10 v.

11 RON HAYNES,

12 Respondent.

CASE NO. C17-5706 RJB  
ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

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. 19, and  
15 Petitioner Travis Baze’s (“Baze”) objections to the R&R, Dkt. 20.

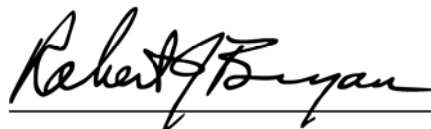
16 On October 23, 2018, Judge Fricke issued the R&R recommending that the Court  
17 deny Baze’s petition on the merits and deny a certificate of appealability. Dkt. 19. On  
18 November 6, 2018, Baze filed objections. Dkt. 20.

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, Baze fails to show any error in the R&R. Although he objects to the  
2 R&R, he “stands on his original petition” and essentially disagrees with the R&R. Dkt.  
3 20 at 7. The sole issue in this petition is whether a juror was biased. The trial court  
4 specifically questioned one juror to clarify whether the juror made a biased statement  
5 regarding drugs. Baze contends that the trial court questioned the wrong juror. The state  
6 appellate courts denied Baze’s claim as too speculative to undermine the trial court’s  
7 actions. On federal habeas review, Baze faces an extremely high burden to establish that  
8 the state court’s finding of fact was an unreasonable determination of the facts. 28  
9 U.S.C. § 2254. Baze fails to meet this burden because he continues to rely on speculation  
10 that the trial court questioned the wrong juror about bias. Additional speculation does not  
11 establish that the state court made an unreasonable determination regarding speculation.  
12 Therefore, the Court having considered the R&R, Baze’s objections, and the remaining  
13 record, does hereby find and order as follows:

- 14 (1) The Report and Recommendation (Dkt. 19) is **ADOPTED**;
- 15 (2) Baze’s petition is **DENIED** on the merits;
- 16 (3) Baze is **DENIED** a certificate of appealability; and
- 17 (4) The Clerk shall enter a **JUDGMENT** and close the case.

18 Dated this 24<sup>th</sup> day of January, 2019.

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20 ROBERT J. BRYAN  
21 United States District Judge  
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