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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 JUDE MARTIN LINAREZ,

7 Petitioner,

8 v.

9 RON HAYNES,

10 Respondent.

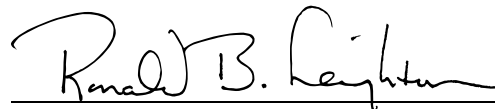
Case No. 3:17-cv-06086-RBL-TLF

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

11 The Court having reviewed the Report and Recommendation of the Hon. Theresa L.
12 Fricke, United States Magistrate Judge, objections to the Report and Recommendation, if any,
13 and the remaining record, hereby finds and orders:

- 14 (1) The Court adopts the Report and Recommendation.
- 15 (2) Petitioner's 28 U.S.C. § 2254 petition (Dkt. 1-1) is **DISMISSED WITHOUT**
16 **PREJUDICE AS A SECOND OR SUCCESSIVE PETITION**
- 17 (3) The certificate of appealability is **DENIED**.
- 18 (4) Petitioner's application for *in forma pauperis* status (Dkt. 1) is **DENIED** as moot.
- 19 (5) The Clerk is directed to send a copy of this Order to Petitioner, along with copies
20 of the Ninth Circuit Court of Appeals Form 12 – Application for Leave to File
21 Second or Successive Petition Under 28 U.S.C. § 2254 or Motion Under 28
22 U.S.C. § 225 and Ninth Circuit Rule 22-3, **AND TO ADMINISTRATIVELY**
CLOSE THIS FILE.

23 DATED this 30th day of April, 2018.

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26 Ronald B. Leighton
United States District Judge

ORDER ADOPTING REPORT AND RECOMMENDATION - 1