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

8 JASON STOMPS,

Petitioner,

9 v.

10 MICHAEL OBENLAND,

11 Respondent.

CASE NO. 3:18-cv-05365 RBL-JRC

ORDER ADOPTING REPORT AND  
RECOMMENDATION

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13 THIS MATTER is before the Court the Report and Recommendation of Magistrate Judge  
14 J. Richard Creatura [Dkt. # 15], Petitioner Stomps' Objections [Dkt. # 16], and the underlying  
15 record.

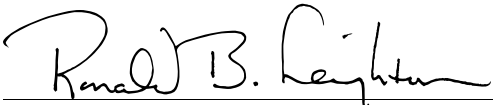
- 16 (1) The Report and Recommendation is **ADOPTED**.
- 17 (2) Stomps' habeas petition under 28 U.S.C. § 2254 is **DENIED**.
- 18 (3) Stomps' Motion to Amend his Writ (to voluntarily dismiss his two actual  
19 innocence claims) [Dkt. # 17] is **DENIED** as futile. Such an amendment would  
20 leave only his sufficiency of the evidence argument, which the Court has rejected.
- 21 (4) The Court will **NOT** issue a Certificate of Appealability under 28 U.S.C. §  
22 2253(c)(2), for the reasons articulated in the Report and Recommendation.

23 The Clerk shall send copies of this Order to the Stomps' last known address, to the  
24 Respondent's counsel, and to Magistrate Judge Creatura.

IT IS SO ORDERED.

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**DATED** this 20th day of November, 2018.



Ronald B. Leighton  
United States District Judge