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

7 Brent Allen Heath,

8 Petitioner,

9 v.

10 Jeffrey A. Uttecht,

11 Respondent.

No. 3:20-cv-06223-MJP-DWC

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

12 The Court, having reviewed the Report and Recommendation of Magistrate Judge David
13 W. Christel, objections to the Report and Recommendation, if any, and the remaining record,
14 does hereby find and ORDER:

- 15 (1) The Court adopts the Report and Recommendation.
16 (2) Petitioner's federal habeas Petition is dismissed with prejudice and the pending
17 Motion to Exhaust State Remedies (Dkt. 5) is denied as moot.
18 (3) A certificate of appealability is denied in this case.
19 (4) The Clerk is directed to send copies of this Order to Petitioner, counsel for
20 Respondent, and to the Hon. David W. Christel.

21 **DATED** this 26th day of April, 2021.
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25 Marsha J. Pechman
26 United States Senior District Judge