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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 MARTIN STANLEY IVIE,

10 Petitioner,

11 v.

12 RONALD HAYNES,

Respondent.

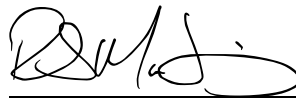
CASE NO. 3:22-cv-05197-RSM-BAT

**ORDER OF DISMISSAL AND
REFERENCE TO CIRCUIT COURT**

13 Having reviewed the Report and Recommendation of the assigned United States
14 Magistrate Judge, any objections, and the remaining record, the Court finds and ORDERS:

- 15 (1) The Court ADOPTS the Report and Recommendation.
- 16 (2) The case is dismissed without prejudice and the Clerk shall refer the federal
17 habeas petition to the Circuit Court of Appeals for the Ninth Circuit for review as a second or
18 successive habeas petition under Circuit Rule 22-3(a).
- 19 (3) The Clerk is directed to send copies of this Order to the parties.

20 DATED this 9th day of May, 2022.

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22 RICARDO S. MARTINEZ
23 CHIEF UNITED STATES DISTRICT JUDGE