

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

## MARTIN STANLEY IVIE,

Petitioner,

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

V.

## RONALD HAYNES.

## Respondent

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

Having reviewed the Report and Recommendation of the assigned United States

Magistrate Judge, any objections, and the remaining record, the Court finds and ORDERS:

(1) The Court ADOPTS the Report and Recommendation

(2) The case is dismissed without prejudice and the Clerk shall refer the federal

habeas petition to the Circuit Court of Appeals for the Ninth Circuit for review as a second or

successive habeas petition under Circuit Rule 22-3(a)

(3) The Clerk is directed to send copies of this Order to the parties

DATED this 9<sup>th</sup> day of May, 2022



RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE

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