

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DA VANG,

Petitioner,

v.

JON LITSCHER, Secretary, Wisconsin
Department of Corrections,

Respondent.

ORDER

02-C-298-C

Petitioner Da Vang has filed objections to the report and recommendation entered by the United States Magistrate Judge on January 6, 2003. Having reviewed the objections and the magistrate judge's report and recommendation, along with the record in this case, I conclude that petitioner has failed to show any reason why the court should not adopt the magistrate judge's report and recommendation as its own.

Petitioner continues to argue that the state courts erred in their determination of the facts and the law. However, he has failed to show that the state courts' decisions were unreasonable or unsupported by the record. In the absence of such a showing, this court cannot grant his petition for a writ of habeas corpus. Petitioner objects in particular to the

refusal of the state courts to find that the state intruded improperly into his relationship with his attorney. However, as the magistrate judge pointed out at page ten of his report, petitioner has not presented any clear and convincing evidence on this point to overcome the presumption of correctness that attaches to the state court findings of fact. Therefore, there is no need even to consider granting his request for an evidentiary hearing in this court.

ORDER

IT IS ORDERED that the report and recommendation of the United States Magistrate Judge is adopted. In addition, it is ordered that petitioner Da Vang's petition for a writ of habeas corpus is dismissed with prejudice and his request for an evidentiary hearing is denied.

Entered this 18th day of February, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge