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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER DUANE BAKKEN,

1:05-cv-1133 OWW DLB HC

Petitioner,

ORDER ADOPTING FINDINGS AND
RECOMMENDATION, GRANTING IN PART
AND DENYING IN PART RESPONDENTS'
MOTION TO DISMISS, AND REFERRING
MATTER BACK TO MAGISTRATE JUDGE
FOR FURTHER PROCEEDINGS

v.

A. K. SCRIBNER, et.al.,

Respondents.

[Doc. 64]

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is represented by Meredith Fahn, Esq.

On January 21, 2011, the Magistrate Judge issued Findings and Recommendation that the Motion to Dismiss be GRANTED in part and DENIED in part. This Findings and Recommendation was served on all parties and contained notice that any objections were to be filed within thirty (30) days of the date of service of the order. Over thirty (30) days have passed and no party has filed objections.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court finds that the Findings and Recommendation is supported by the record and proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendation issued January 21, 2011, is ADOPTED IN FULL;

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- 2. Claims One and Two of the Second Amended Petition are DISMISSED without prejudice;
- 3. Respondent’s motion to dismiss Grounds Three and Five of the Second Amended Petition is DENIED; and
- 4. The matter is referred back to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: March 4, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE