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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ROBERT F. MILES,

1: 05 CV 01327 LJO WMW HC

Petitioner,

v.

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS RE MOTION TO  
DISMISS PETITION FOR WRIT OF HABEAS  
CORPUS

WARDEN BRAD ESPINOZA,

[Doc. [13](#), [19](#), [20](#)]

Respondent.

\_\_\_\_\_/

Petitioner is a prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. Section 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On January 11, 2008, the Magistrate Judge filed findings and recommendations herein. These findings and recommendations were served on the parties and contained notice to the parties that any objections to the findings and recommendations were to be filed within thirty days.

Petitioner filed objections on January 25, 2008.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)C) this court has conducted a de novo review of this case. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9<sup>th</sup> Cir. 1983). Having carefully reviewed the entire file, the court finds the findings and recommendations

1 to be supported by the record and by proper analysis.

2 Based on the foregoing, it is HEREBY ORDERED that:

- 3 1. The findings and recommendations issued by the Magistrate Judge on  
4 January 11, 2008, are adopted in full;
- 5 2. The Petition for Writ of Habeas Corpus is DISMISSED as barred by the statute of  
6 limitations;
- 7 3. The Clerk of the Court is directed to enter judgment for Respondent and to close this case.

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11 IT IS SO ORDERED.

12 **Dated: February 5, 2008**

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

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