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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DONALD E. WISHART,	)	1:09-cv-01118 LJO YNP [DLB] (HC)
	)	
Petitioner,	)	ORDER ADOPTING FINDINGS AND
	)	RECOMMENDATION
	)	[Doc. #8]
	)	
v.	)	ORDER DENYING PETITIONER'S
	)	MOTION FOR TEMPORARY
	)	RESTRAINING ORDER
	)	[Doc. #3]
	)	
	)	ORDER DENYING PETITIONER'S
	)	MOTION TO DISMISS MAGISTRATE'S
NEIL H. ADLER,	)	NON-RESPONSE TO PETITIONER'S JULY
	)	13, 2009 REQUEST FOR TEMPORARY
Respondent.	)	RESTRAINING ORDER
	)	[Doc. #10]

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The Magistrate Judge issued a [Findings and Recommendation](#) on February 17, 2010, that recommended that Petitioner's motion for a temporary restraining order be denied. The 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. Petitioner did not file any objections to the Findings and Recommendation but he did file a motion for an evidentiary hearing on Petitioner's actual innocence claim on March 16, 2010, (Doc. #9), and a motion to "Dismiss Magistrate's Non-Response to Petitioner's July 13, 2009 'Request for Temporary Restraining Order'" on March 17, 2010. (Doc. #10.)

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de*  
2 *novo* review of the case. Having carefully reviewed the entire file and having considered the  
3 objections, the Court concludes that the Magistrate Judge's Findings and Recommendation is  
4 supported by the record and proper analysis, and there is no justification to modify the Findings and  
5 Recommendation based on either of the motions that Petitioner subsequently filed.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The Findings and Recommendation issued February 17, 2010, is ADOPTED IN FULL;
- 8 2. The Petitioner's motion for temporary restraining order is DENIED; and
- 9 3. Petitioner's motion to "Dismiss Magistrate's Non-Response..." is DENIED.

10 IT IS SO ORDERED.

11 **Dated: March 29, 2010**

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

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