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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

TOBY WADE,

1:10-cv-00566-AWI-DLB (HC)

Petitioner,

ORDER ADOPTING FINDINGS AND  
RECOMMENDATION, DENYING  
RESPONDENT’S MOTION TO DISMISS THE  
PETITION, AND DIRECTING RESPONDENT  
TO FILE AN ANSWER TO THE PETITION  
WITHIN FORTY-FIVE DAYS FROM THE  
DATE OF SERVICE OF THIS ORDER

v.

J. HARLEY,

Respondent.

/ [Doc. 12]

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On July 23, 2010, the Magistrate Judge issued [Findings and Recommendation](#) that the Motion to Dismiss be DENIED. 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 July 23, 2010, is ADOPTED IN FULL;

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- 2. The Motion to Dismiss is DENIED; and
- 3. Respondent is directed to file an answer to the petition within forty-five (45) days from the date of service of this order.

IT IS SO ORDERED.

Dated: November 17, 2010

  
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CHIEF UNITED STATES DISTRICT JUDGE