

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), having carefully reviewed
2 the entire file *de novo* and considered Petitioner's objections, the Court declines to modify the
3 findings and recommendations based on any point raised in the objections. Petitioner contends
4 that since the Ninth Circuit Court of Appeals determined that it need not authorize Petitioner's
5 filing as a second or successive petition, the petition is not barred by the statute of limitations.
6 Because the Ninth Circuit did not consider whether Petitioner's filing was untimely, its order does
7 not overcome the application of the statute of limitations in this case. The Court finds that the
8 findings and recommendations are supported by the record and proper analysis.

9 Accordingly, the Court hereby ORDERS:

- 10 1. The findings and recommendations filed January 22, 2016, are adopted in full;
 - 11 2. The petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is dismissed as
12 untimely;
 - 13 3. Petitioner's motion to stay or dismiss unexhausted claims is DENIED;
 - 14 4. The Court DECLINES to issue a certificate of appealability; and
 - 15 5. The Court DIRECTS the Clerk of Court to enter judgment for Respondent.
- 16 IT IS SO ORDERED.

17 Dated: March 7, 2016

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