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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

REGINALD CHAVIS, SR.,

Petitioner,

No. CIV S-08-1431 JAM EFB P

vs.

JOHN W. HAVILAND,

Respondent.

ORDER

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Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 11, 2010, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has filed objections to the findings and recommendations and respondent has filed a response thereto.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by

1 proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The findings and recommendations filed August 11, 2010, are adopted in full;  
4 2. This action is dismissed for lack of jurisdiction;  
5 3. Respondent's October 26, 2009 motion to dismiss is denied without prejudice;  
6 4. The Clerk is directed to close the case; and  
7 5. The court declines to issue a certificate of appealability.

8 DATED: February 14, 2011

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/s/ John A. Mendez  
UNITED STATES DISTRICT JUDGE

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