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

NOEL PHILLIPPE SCOTT,

Petitioner,

No. CIV S-08-2370 GEB KJM P

vs.

D.K. SISTO,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has filed an 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 General Order No. 262.

On February 26, 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. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

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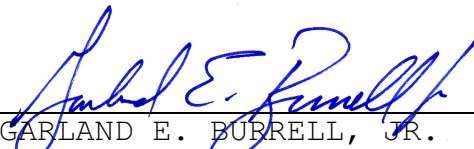
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1. The findings and recommendations filed February 26, 2010, are adopted in full;

2. Respondent's motion to dismiss (docket no. 13) is denied; and

3. Respondent file an answer to the petition within thirty days of the date of this order.

Dated: March 26, 2010



GARLAND E. BURRELL, JR.
United States District Judge