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

CORBY SARGENT,

Petitioner,

No. CIV S-08-3157 MCE EFB P

vs.

MICHAEL MARTHELL,

Respondent.

ORDER

\_\_\_\_\_ /

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 December 21, 2009, 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 twenty-one days. Petitioner has filed objections to the findings and recommendations.

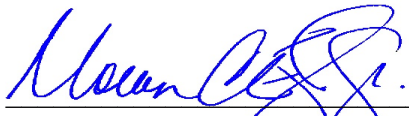
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed December 21, 2009, are adopted in full;
2. Respondent's August 31, 2009 motion to dismiss is granted;
3. Petitioner's September 14, 2009 motion to stay the petition is denied;
4. The Clerk is directed to close the case; and
5. The court declines to issue a certificate of appealability.

Dated: February 26, 2010

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE