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

NOEL KEITH WATKINS,

Petitioner,

No. CIV S-09-0363 WBS DAD P

vs.

MIKE KNOWLES, Warden,

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 December 11, 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. 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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1. The findings and recommendations filed December 11, 2009, are adopted in full;
2. Respondent's April 21, 2009 motion to dismiss (Doc. No. 12) is denied; and
3. Respondent is directed to file an answer to the petition within sixty days.

DATED: February 3, 2010



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE