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

CROSSAN D. HOOVER, JR.,

No. 2:09-cv-01917-MCE-DAD P

Petitioner,

vs.

ORDER

J.W. HAVILAND,

Respondent.

_____ /

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 Rule 302.

On December 27, 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 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 27, 2010, are adopted in full;

2. Respondent's June 1, 2010 motion to dismiss (Doc. No. 15) is denied; and

3. Within thirty days from the service of this order, respondent shall file an answer to the petition for writ of habeas corpus.

IT IS SO ORDERED.

Dated: February 10, 2011


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE