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

PHANHAHA XABANDITH,

Petitioner,

No. CIV S-09-2550 LKK DAD P

vs.

FRANCISCO JACQUEZ,

ORDER

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 April 12, 2010, respondent filed a motion to dismiss the petition. On January 31, 2011, the magistrate judge filed findings and recommendations herein which were served on the parties which contained notice to the parties that any objections to the findings and recommendations were to be filed within twenty-one days. On February 22, 2011, Respondent filed objections to the findings and recommendations.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
2 304, this court has conducted a de novo review of this case. Having carefully reviewed the
3 entire file, the court finds the findings and recommendations to be supported by the record and by
4 proper analysis.

5 1. The findings and recommendations filed January 31, 2011, are adopted in full;

6 2. The motion to dismiss is denied. Respondent is directed to file a response to
7 petitioner's habeas petition within 60 days from the date of this order. Petitioner is directed to
8 file a reply within 30 days after service of an answer; and

9 3. Petitioner's March 10, 2011 motion for an extension of time to file a reply to
10 Respondent's Objections is denied as moot.

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12 DATED: March 28, 2011.

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16 LAWRENCE K. KARLTON
17 SENIOR JUDGE
18 UNITED STATES DISTRICT COURT
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