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

CHARLES RAY SMITH,

Petitioner,

No. CIV S-09-2967 MCE GGH P

vs.

M. McDONALD,

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 Rule 302.

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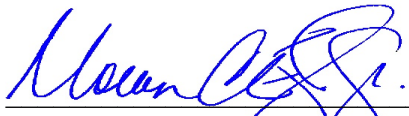
1. The findings and recommendations filed January 5, 2011, are adopted in full;

and

2. Petitioner's remaining claims - other than the ineffective assistance of counsel claim with respect to the competency hearing, where counsel has been appointed to aid in providing a more complete analysis and representation of what occurred - for writ of habeas corpus are DENIED.

IT IS SO ORDERED.

Dated: February 18, 2011


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE