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

MARK ALLEN OUELLETTE,

Petitioner,

No. 2:10-cv-1862 JAM JFM (HC)

vs.

KATHLEEN DICKINSON,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding through counsel, 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 November 17, 2010, the magistrate judge filed findings and recommendations herein which were served on all parties to this action and which contained notice 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 November 17, 2010, are adopted in full; and

2. Respondent's August 27, 2010 motion to dismiss is denied;

3. Respondent shall file, within thirty days from the date of this order, an answer to the petition and any and all transcripts or other documents relevant to the determination of the cognizable issues presented in the petition; and

4. Petitioner's traverse, if any, is due on or before thirty days from the date respondent's answer is filed.

DATED: January 27, 2011

/s/ John A. Mendez
UNITED STATES DISTRICT JUDGE