IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JIMMIE LEE ADAMS,

      Petitioner,               No. 2:10-cv-3220 JAM JFM (HC)

      vs.

MATTHEW CATE,

      Respondent.      ORDER

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      Petitioner, a state prisoner proceeding pro se, has filed this 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 October 11, 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. On November 2, 2011, petitioner filed a motion for extension of time to file objections to the findings and recommendations, and on November 4, 2011, petitioner filed proposed objections to the findings and recommendations.

      Good cause appearing, petitioner's motion for extension of time will be granted, and the court's order adopting the findings and recommendations without consideration of said

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1  objections will be vacated.  In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and

2  Local Rule 304, this court has conducted a de novo review of this case, including the objections

3  filed by petitioner on November 4, 2011.  Having carefully reviewed the entire file, the court

4  finds the findings and recommendations to be supported by the record and by proper analysis.

5         Accordingly, IT IS HEREBY ORDERED that:

6         1.  The court's order filed November 14, 2011 is vacated;

7         2.  Petitioner's November 2, 2011 motion for extension of time is granted;

8         3.  The court has considered petitioner's November 4, 2011 objections to the

9  findings and recommendations filed October 11, 2011;

10         4.  The findings and recommendations filed October 11, 2011, are adopted in full;

11         5.  Respondent's April 11, 2011 motion to dismiss is granted;

12         6.  This action is dismissed as barred by the statute of limitations; and

13         7.  This court declines to issue a certificate of appealability.

14  DATED:  November 14, 2011

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16                        /s/ John A. Mendez
                       UNITED STATES DISTRICT JUDGE

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