Doc. 21 (HC) Larkin v. Davey 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 SHONDELL LARKIN, No. 2:15-cv-0527 TLN GGH P 12 Petitioner, 13 v. ORDER 14 D. DAVEY, 15 Respondent. 16 17 Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas 18 corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate 19 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On January 5, 2016, the magistrate judge filed findings and recommendations herein 21 which were served on all parties and which contained notice to all parties that any objections to 22 the findings and recommendations were to be filed within fourteen days. Respondent filed 23 objections to the findings and recommendations. (ECF No. 20.) 24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this 25 Court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the entire file, the 26 Court finds the findings and recommendations to be supported by the record and by proper 27 analysis. 28 ///// 1

Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations filed January 5, 2016, are adopted in full; 2. Respondent's Motion to Dismiss, filed August 10, 2015 (ECF No. 13), is denied; 3. Respondent is directed to file an answer to the petition within sixty days from the date of this Order. See Rule 4, 28 U.S.C. foll. § 2254. An answer shall be accompanied by all transcripts and other documents relevant to the issues presented in the Petition. See Rule 5, 28 U.S.C. foll. § 2254; 4. Petitioner's reply, if any, should be filed and served within thirty days after service of the answer. Dated: February 22, 2016 Troy L. Nunley United States District Judge