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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MYRON A. PAYNE,

Petitioner,

v.

DERRAL G. ADAMS,

Respondent.

NO. CV 08-5297 FMC (FMO)

**ORDER ADOPTING FINDINGS,
CONCLUSIONS AND RECOMMENDATIONS
OF UNITED STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all of the records herein, the Magistrate Judge’s Report and Recommendation, and the Objections to the Report and Recommendation. Having made a de novo determination of the portions of the Report and Recommendation to which the Objections were directed, the Court concurs with and adopts the findings and conclusions of the Magistrate Judge. Accordingly, IT IS ORDERED THAT:

1. Respondent’s Motion to Dismiss (**Document No. 16**) is **granted**.
2. Judgment shall be entered dismissing Grounds One through Four in the Petition with prejudice.
3. Respondent shall file his Return to Ground Five no later than thirty (30) days from the filing date of this Order.
4. Petitioner shall file his Reply no later than thirty (30) days from the date of service of the Return.

1 5. The matter is referred back to the Magistrate Judge for further proceedings with respect
2 to Ground Five in the Petition.

3 6. The Clerk shall serve copies of this Order on the parties.

4 DATED: July 22, 2009



FLORENCE-MARIE COOPER
UNITED STATES DISTRICT JUDGE

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