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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JOSE LUIS HERNANDEZ,  
Petitioner,  
v.  
MIKE McDONALD, Warden,  
Respondent.

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) Case No. CV 12-1576-ODW (SP)

**ORDER ACCEPTING FINDINGS AND  
RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, records on file, and the Report and Recommendation of the United States Magistrate Judge. Further, the Court has engaged in a de novo review of those portions of the Report to which petitioner has objected. The Court accepts the findings and recommendation of the Magistrate Judge.

IT IS THEREFORE ORDERED that respondent’s Motion to Dismiss is granted, and Judgment will be entered denying the Petition and dismissing this action with prejudice.

DATED: August 30, 2012

  
HONORABLE OTIS D. WRIGHT, II  
UNITED STATES DISTRICT JUDGE