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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DANIEL M. CARTER,
Petitioner,
v.
KELLY SANTORO, Warden,
Respondent.

Case No. EDCV 15-1636 AG (SS)
**ORDER ACCEPTING AS MODIFIED
FINDINGS, CONCLUSIONS AND
RECOMMENDATIONS OF UNITED STATES
MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, Respondent's Motion to Dismiss the Petition, all of the records and files herein, and the Magistrate Judge's Report and Recommendation. The time for filing Objections to the Report and Recommendation has passed and no Objections have been received. Accordingly, the Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge, as modified to expressly reflect that Respondent's Motion to Dismiss is granted.

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IT IS ORDERED that Respondent's Motion to Dismiss is GRANTED.

IT IS FURTHER ORDERED that the Petition is denied and Judgment shall be entered dismissing this action without prejudice.

The Clerk of the Court is DIRECTED to serve copies of this Order and the Judgment herein on Petitioner at his address of record and on counsel for Respondent.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: May 31, 2016



ANDREW J. GUILFORD
UNITED STATES DISTRICT JUDGE