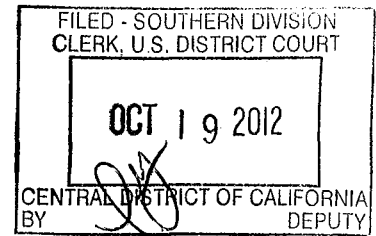


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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

GABRIEL A. LEON,
Petitioner,
v.
HEDGEPATH, Warden,
Respondent.

Case No. SACV 09-00323 R (AN)

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

Pursuant to 28 U.S.C. § 636, the Court has conducted its de novo review of the record, including the Magistrate Judge’s Report and Recommendation (“R&R”) [35].

The record establishes Petitioner’s Objections to the R&R were originally due to be filed and served by September 16, 2012. (Notice of Filing R&R [34].) On September 27, 2012, Petitioner filed a motion for an extension of time [36] to file Objections to the R&R. On the same date, the Magistrate Judge promptly filed his 09/27/12 Order [37] that granted the motion and gave Petitioner leave until October 7, 2012, to file and serve Objections. On September 28, 2012, the clerk served the 09/27/12 Order on Petitioner by mailing it to him at his last known address. However, on October 17, 2012, the United States Postal Service returned the envelope with the 09/27/12 Order, which was unopened and reflected that Petitioner was no longer at the address he had provided to the Court. Meanwhile, Petitioner has failed to provide the Court with his current address in the time and manner required by Local Rule 41-6.

1 Under the circumstances, the Court finds Petitioner has waived objections to the
2 Magistrate Judge's factual findings by failing to file Objections to the R&R in the
3 required time and manner. *Robbins v. Carey*, 481 F.3d 1143, 1146-47 (9th Cir. 2007).

4 IT IS ORDERED that:

5 1. The Court accepts the findings and recommendation of the R&R.

6 2. Judgment shall be entered denying the Petition and dismissing this action
7 with prejudice.

8 3. Any and all other pending motions are denied as moot and terminated.

9 IT IS FURTHER ORDERED that the clerk of the Court shall serve a copy of this
10 Order and the Judgment on all counsel or parties of record.

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13 Dated: October 19, 2012



14 MANUEL L. REAL
15 UNITED STATES DISTRICT JUDGE
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