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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAUL MONTANEZ,)	1:06-cv-00303-LJO-TAG HC
)	
Petitioner,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATION (Doc. 14)
v.)	
)	ORDER GRANTING MOTION TO DISMISS
)	PETITION FOR WRIT OF HABEAS CORPUS
)	(Doc. 13)
CALIFORNIA DEPARTMENT OF)	
CORRECTIONS AND)	ORDER DISMISSING PETITION FOR WRIT
REHABILITATION,)	OF HABEAS CORPUS (Doc. 1)
)	
Respondent.)	ORDER DIRECTING CLERK OF COURT
)	TO ENTER JUDGMENT
)	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On March 14, 2008, Respondent filed a motion to dismiss the petition. (Doc. 13). On January 9, 2009, the Magistrate Judge assigned to the case filed Findings and Recommendations recommending the petition for writ of habeas corpus be dismissed because the petition contained unexhausted claims. ([Doc. 14](#)). The Findings and Recommendations were served on all parties and contained notice that any objections were to be filed within fifteen days from the date of service of that order. To date, the parties have not filed timely objections to the Findings and

1 Recommendations.

2 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted
3 a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that
4 the Magistrate Judge’s Findings and Recommendations are supported by the record and proper
5 analysis.

6 Because Petitioner is challenging an administrative order of the California Department of
7 Corrections and Rehabilitation resulting in the loss of 360-days’ credits, no certificate of
8 appealability is required. White v. Lambert, 370 F.3d 1002, 1010 (9th Cir. 2004); see 28 U.S.C.
9 § 2253(c)(1)(A).

10 **ORDER**

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The Findings and Recommendations filed January 9, 2008 (Doc. 14), are
13 ADOPTED IN FULL;
14 2. Respondent’s Motion to Dismiss (Doc. 13), is GRANTED;
15 3. The Petition for Writ of Habeas Corpus (Doc. 1), is DISMISSED; and
16 4. The Clerk of Court is DIRECTED to ENTER JUDGMENT and close the file.

17 This order terminates the action in its entirety.

18 IT IS SO ORDERED.

19 **Dated:** February 4, 2009

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE