

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

9 DERRECK SUNDERLAND,) 1:06-CV-00999 LJO JMD HC
10 Petitioner,) ORDER ADOPTING FINDINGS AND
11) RECOMMENDATION
12 v.) [Doc. #21]
13) ORDER DENYING PETITION FOR WRIT
14 KATHY MENDOZA-POWERS,) OF HABEAS CORPUS
15 Respondent.) ORDER DIRECTING CLERK OF COURT
16) TO ENTER JUDGMENT

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

19 The Magistrate Judge issued a [Findings and Recommendation](#) on November 17, 2008,
20 recommending that the petition for writ of habeas corpus be DENIED with prejudice. The
21 Magistrate Judge further recommended that the Clerk of Court be DIRECTED to enter judgment.
22 The Findings and Recommendation was served on all parties and contained notice that any
23 objections were to be filed within thirty (30) days of the date of service of the order.

24 On December 20, 2008, Petitioner's objections to the Findings and Recommendation were
25 filed with the Court. In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has
26 conducted a *de novo* review of the case. Having carefully reviewed the entire file and having
27 considered Petitioner's objections, the Court concludes that the Magistrate Judge's findings, that the
28 parole board's determination of unsuitability was substantiated by some evidence and that was

1 supported by the record and proper analysis. Thus, the Court finds there is no need to modify the
2 Findings and Recommendation based on the points raised in the objections.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The Findings and Recommendation issued November 17, 2008, is ADOPTED IN FULL;
5 2. The Petition for Writ of Habeas Corpus is DENIED with prejudice; and
6 3. The Clerk of Court is DIRECTED to enter judgment.

7 IT IS SO ORDERED.

8 **Dated: January 22, 2009**

/s/ Lawrence J. O'Neill
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10 UNITED STATES DISTRICT JUDGE

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