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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DERRECK SUNDERLAND,
Petitioner,

v.

KATHY MENDOZA-POWERS,
Respondent.

) 1:06-CV-00999 LJO JMD HC

) ORDER ADOPTING FINDINGS AND
) RECOMMENDATION
) [Doc. #21]

) ORDER DENYING PETITION FOR WRIT
) OF HABEAS CORPUS

) 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.

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

On December 20, 2008, Petitioner's [objections](#) to the Findings and Recommendation were filed with the Court. In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file and having considered Petitioner's objections, the Court concludes that the Magistrate Judge's findings, that the 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
UNITED STATES DISTRICT JUDGE

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