

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

RENE SANDERS,) 1:07-CV-1438 LJO WMW HC
Petitioner,) ORDER ADOPTING
v.) FINDINGS AND
J. SALAEZAR,) RECOMMENDATIONS AND
Respondent.) DISMISSING PETITION
[Doc. [11](#), [13](#)]

Petitioner, a state prisoner, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 . The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On November 6, 2008, the Magistrate Judge filed findings and recommendations herein. These findings and recommendations were served on the parties and contained notice to the parties that any objections to the findings and recommendations were to be filed within thirty days. Petitioner filed objections on November 26, 2008.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)C) this court has conducted a de novo review of this case. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Based on the foregoing, it is HEREBY ORDERED that:

1. The findings and recommendations issued by the Magistrate Judge on November 6, 2008, are adopted in full;
2. Respondent's motion to dismiss is GRANTED;
3. This petition is DISMISSED as moot;
4. The Clerk of the Court is directed to enter judgment for Respondent and to close this case.

IT IS SO ORDERED.

Dated: January 26, 2009

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