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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

MARIO A. MELCHIONNE,  
  
vs.  
  
JAMES E. TILTON,  
  
Petitioner,  
  
Respondent.

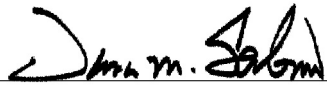
CASE NO. 1:08-cv-00116 DMS (BLM)  
  
**ORDER (1) ADOPTING FINDINGS  
AND RECOMMENDATION AND (2)  
DISMISSING PETITION FOR WRIT  
OF HABEAS CORPUS**

On January 18, 2008, Petitioner Mario A. Melchionne (“Petitioner”), a state prisoner proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 in the United States District Court for the Eastern District of California. On November 12, 2008, Magistrate Judge Dennis L. Beck issued a Report and Recommendation (“R&R”), recommending that the Court dismiss the Petition as duplicative. The case was subsequently transferred to the undersigned visiting judge on November 25, 2008.

This Court, having reviewed *de novo* the Magistrate Judge’s Report, and there being no objections filed to the Report, adopts the recommendation in full and **DISMISSES** the petition for habeas corpus. The Clerk of Court shall terminate this case.

**IT IS SO ORDERED.**

DATED: February 10, 2009

  
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HON. DANA M. SABRAW  
United States District Judge