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

<b>RANDALL C. GRAY,</b>	)	<b>1:08-CV-0717 AWI BAK GSA HC</b>
	)	
<b>Petitioner,</b>	)	<b>ORDER ADOPTING FINDINGS AND</b>
	)	<b>RECOMMENDATION</b>
<b>v.</b>	)	
	)	<b>ORDER DENYING RESPONDENT'S</b>
<b>J.D. HARTLEY, Warden,</b>	)	<b>MOTION TO DISMISS</b>
	)	
<b>Respondent.</b>	)	<b>(Document #15)</b>
_____	)	

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 July 23, 2009, the Magistrate Judge filed a Findings and Recommendation that recommended Respondent's motion to dismiss be denied. The Findings and Recommendation 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.

No party has filed objections.

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. Having carefully reviewed the entire file, the court finds the Findings and Recommendations to be supported by the record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendation issued July 23, 2009, is ADOPTED IN  
3 FULL;  
4 2. Respondent's motion to dismiss is DENIED (document #15); and  
5 3. Respondent is DIRECTED to file an answer to the petition for writ of habeas  
6 corpus within sixty (60) days.

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8 IT IS SO ORDERED.

9 Dated: September 21, 2009

/s/ Anthony W. Ishii  
CHIEF UNITED STATES DISTRICT JUDGE

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