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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DERRECK E. SUNDERLAND,
Petitioner,

v.

JAMES D. HARTLEY, Acting Warden,
Respondent.

) 1:09-CV-00083 LJO GSA HC
)
) ORDER ADOPTING FINDINGS AND
) RECOMMENDATION
) [Doc. #15]
)
) ORDER DISMISSING 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.

On February 17, 2009, the Magistrate Judge issued a [Findings and Recommendation](#) that recommended the petition be DISMISSED with prejudice on multiple grounds. 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. Over thirty (30) days have passed and no party has filed objections.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de*
2 *novo* review of the case. Having carefully reviewed the entire file and having considered the
3 objections, the Court concludes that the Magistrate Judge's Findings and Recommendation is
4 supported by the record and proper analysis, and there is no need to modify the Findings and
5 Recommendations based on the points raised in the objections.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The Findings and Recommendation issued February 17, 2009, is ADOPTED IN FULL;
- 8 2. The Petition for Writ of Habeas Corpus is DISMISSED with prejudice;
- 9 3. The Clerk of Court is DIRECTED to enter judgment; and
- 10 4. As this petition challenges a parole decision, a certificate of appealability is not required.

11 Rosas v. Nielsen, 428 F.3d 1229, 1232 (9th Cir.2005).

12 IT IS SO ORDERED.

13 **Dated:** April 3, 2009

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

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