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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GERALD FELLOWS,)	1:09-cv-00294-LJO-JLT HC
)	
Petitioner,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS (Doc. 15)
v.)	
)	ORDER DENYING MOTION TO DISMISS
)	PETITION FOR WRIT OF HABEAS CORPUS
WARDEN J. D. HARTLEY,)	(Doc. 12)
)	
Respondent.)	ORDER REFERRING CASE TO
)	MAGISTRATE JUDGE FOR FURTHER
)	PROCEEDINGS
)	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On July 14, 2009, Respondent filed a motion to dismiss the petition. (Doc. 12). On January 7, 2010, the Magistrate Judge assigned to the case filed a Findings and Recommendations recommending that Respondent’s motion to dismiss be denied. ([Doc. 15](#)). This Findings and Recommendations was served on all parties and contained notice that any objections were to be filed within twenty days from the date of service of that order. On January 27, 2010, Respondent filed objections to the Magistrate Judge's Findings and Recommendations. ([Doc. 16](#)).

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted
2 a *de novo* review of the case. Having carefully reviewed the entire file, including Respondent's
3 objections, the Court concludes that the Magistrate Judge's Findings and Recommendations is
4 supported by the record and proper analysis. Respondent's objections present no grounds for
5 questioning the Magistrate Judge's analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The Findings and Recommendations, filed January 7, 2010 (Doc. 15), is
8 ADOPTED IN FULL;
- 9 2. Respondent's Motion to Dismiss (Doc. 12), is DENIED;
- 10 3. The case is REFERRED back to the Magistrate Judge for further proceedings.

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14 IT IS SO ORDERED.

15 **Dated: January 28, 2010**

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