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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LIONEL FALCON,)	1:09-CV-00660 OWW GSA HC
)	
Petitioner,	)	ORDER ADOPTING FINDINGS AND
	)	RECOMMENDATION
	)	[Doc. #12]
)	
v.	)	ORDER DISMISSING GROUND ONE
	)	FROM PETITION FOR WRIT OF HABEAS
	)	CORPUS
)	
	)	ORDER DECLINING TO ISSUE
	)	CERTIFICATE OF APPEALABILITY
LYDIA C. HENSE, Warden,)	
	)	ORDER REFERRING MATTER BACK TO
Respondent.	)	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 April 16, 2010, the Magistrate Judge issued a [Findings and Recommendation](#) that recommended Ground One be DISMISSED WITH PREJUDICE from the petition for lack of merit. 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.

On May 6, 2010, Petitioner filed [objections](#) to the Findings and Recommendation. In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file and having considered the objections, the Court concludes that the Magistrate Judge's Findings and Recommendation is supported by the

1 record and proper analysis, and there is no need to modify the Findings and Recommendations based
2 on the points raised in the objections.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The Findings and Recommendation issued April 16, 2010, is ADOPTED IN FULL;
- 5 2. Ground One is DISMISSED WITH PREJUDICE from the petition; and
- 6 3. The case is REMANDED BACK to the Magistrate Judge for further proceedings.

7 IT IS SO ORDERED.

8 **Dated:** May 28, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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