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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JACK D. RILEY,)	1:09-cv-01012-AWI-SKO-HC
)	
Petitioner,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS TO DENY
v.)	RESPONDENT'S MOTION TO DISMISS
)	(Docs. 23, 20)
)	
JAMES HARTLEY, Warden,)	ORDER REFERRING THE ACTION TO THE
)	MAGISTRATE JUDGE TO DIRECT THE
Respondent.)	FILING OF A RESPONSE TO THE
)	PETITION
)	

Petitioner is a state prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 and 304.

On June 21, 2010, the Magistrate Judge filed findings and recommendations recommending that the Respondent's motion to dismiss the petition be denied and that the petition for writ of habeas corpus be referred to the Magistrate Judge for directions concerning the issuance of a further response to the petition. These findings and recommendations were served on all parties.

1 The period for filing objections has passed, but no objections
2 have been filed.

3 In accordance with the provisions of 28 U.S.C. § 636
4 (b) (1) (C), this Court has conducted a *de novo* review of the case.
5 Having carefully reviewed the entire file, the Court finds that
6 the report and recommendation is supported by the record and
7 proper analysis.

8 Accordingly, it is hereby ORDERED that:

9 1. The Findings and Recommendations filed on June 21, 2010,
10 are ADOPTED in full; and

11 2. The Respondent's motion to dismiss the petition is
12 DENIED; and

13 3. The matter is REFERRED to the Magistrate Judge to issue
14 directions to Respondent to file an answer to the petition.

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16 IT IS SO ORDERED.

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Dated: August 25, 2010

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CHIEF UNITED STATES DISTRICT JUDGE

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