UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARK JAMES TAYLOR, Petitioner, v. JAMES A. YATES, Respondent.	1:09-cv—01876-OWW-SKO-HC ORDER ADOPTING FINDINGS AND RECOMMENDATIONS (Doc. 16) ORDER GRANTING RESPONDENT'S MOTION TO DISMISS THE PETITION FOR FAILURE TO STATE A COGNIZABLE CLAIM (DOCS. 14, 1) ORDER DECLINING TO ISSUE A CERTIFICATE OF APPEALABILITY AND DIRECTING THE CLERK TO SEND PETITIONER A CIVIL RIGHTS COMPLAINT FORM

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 has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 and 304.

On February 4, 2011, the Magistrate Judge filed findings and recommendations to grant Respondent's motion to dismiss the petition for failure to state a cognizable claim. The findings and recommendations were served on all parties on the same date. The findings and recommendations informed Petitioner that

objections were due within thirty days of service.

On March 2, 2011, Petitioner filed objections to the findings and recommendations.

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. The undersigned has carefully reviewed the entire file and has considered the objections; the undersigned has determined there is no need to modify the findings and recommendations based on the points raised in the objections. The Court finds that the report and recommendation is supported by the record and proper analysis.

Accordingly, it IS ORDERED that:

1) The findings and recommendations filed on February 4, 2011, are ADOPTED in full; and

2) The petition for writ of habeas corpus is DISMISSED for failure to state a claim cognizable in a proceeding pursuant to 28 U.S.C. § 2254; and

3) The Court DECLINES to issue a certificate of appealability; and

4) The Clerk is DIRECTED to forward to Petitioner a blank form complaint for civil rights claims brought pursuant to 42 U.S.C. § 1983, and to close the action. IT IS SO ORDERED.

Dated: March 4, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE