

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TAELENIU FAATILIGA,

1:09-cv-02039-LJO-DLB (HC)

Petitioner,

ORDER ADOPTING FINDINGS AND
RECOMMENDATION DENYING
RESPONDENT'S MOTION TO DISMISS,
AND REFERRING MATTER BACK TO
MAGISTRATE JUDGE FOR FURTHER
PROCEEDINGS

v.

JAMES D. HARTLEY,

Respondent.

[Doc. 14]

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

On March 1, 2010, the Magistrate Judge issued Findings and Recommendation Respondent's motion to dismiss the instant petition as untimely be DENIED. (Court Doc. 14.) This 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.

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, the Court finds that the Findings and Recommendation is supported by the record and proper analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendation issued March 1, 2010, is ADOPTED IN
3 FULL;
4 2. Respondent's motion to dismiss the instant petition as untimely is DENIED; and
5 3. The matter is referred back to the Magistrate Judge for further proceedings.

6 IT IS SO ORDERED.

7 **Dated: April 20, 2010**

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