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6 **UNITED STATES DISTRICT COURT**
78 EASTERN DISTRICT OF CALIFORNIA
910 TAELENIU FAATILIGA, 1:09-cv-02039-LJO-DLB (HC)
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12 Petitioner,

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

14 JAMES D. HARTLEY,

15 Respondent. [Doc. 14]
1617 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus
18 pursuant to 28 U.S.C. § 2254.19 On March 1, 2010, the Magistrate Judge issued Findings and Recommendation
20 Respondent's motion to dismiss the instant petition as untimely be DENIED. (Court Doc. 14.)
21 This Findings and Recommendation was served on all parties and contained notice that any
22 objections were to be filed within thirty (30) days of the date of service of the order. Over thirty
23 (30) days have passed and no party has filed objections.24 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted
25 a *de novo* review of the case. Having carefully reviewed the entire file, the Court finds that the
26 Findings and Recommendation is supported by the record and proper analysis.27 ///
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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

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

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