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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DENNIS THOMAS,	1:09-cv-02252-OWW-MJS (HC)
Petitioner,	ORDER ADOPTING FINDINGS AND
v.	RECOMMENDATION, GRANTING MOTION
	TO DISMISS PETITION FOR WRIT OF
	HABEAS CORPUS
JAMES HARTLEY, Warden,	ORDER DIRECTING THE CLERK OF THE
Respondent.	COURT TO FILE PETITIONER'S FIRST
	AMENDED PETITION
/ (Doc. 21)	

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

On December 7, 2010, the Magistrate Judge issued a Findings and Recommendation that the Motion to Dismiss be GRANTED. This Findings and Recommendation was served on all parties with notice that any objections were to be filed within thirty (30) days of the date of service of the order. Instead of filing objections, on December 30, 2010, Petitioner lodged a first amended petition with the Court.

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 concludes that the Magistrate Judge's Findings and Recommendation is supported by the record and proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendation issued December 7, 2010, is ADOPTED IN FULL;
2. Respondent's Motion to Dismiss is GRANTED; and
3. The Clerk of the Court shall hereby file Petitioner's first amended petition for writ of habeas corpus. (Doc. 22.)

IT IS SO ORDERED.

Dated: February 2, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE