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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CEDRICK BROWN,

1:10-cv-00652-LJO-DLB (HC)

Petitioner,

ORDER ADOPTING FINDINGS AND
RECOMMENDATION, DENYING
RESPONDENT’S MOTION TO DISMISS THE
INSTANT PETITION, DIRECTING
RESPONDENT TO FILE A FURTHER
RESPONSE TO THE PETITION, AND
REFERRING THE MATTER BACK TO THE
MAGISTRATE JUDGE FOR FURTHER
PROCEEDINGS

v.

J. 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 October 1, 2010 , the Magistrate Judge issued Findings and Recommendation that the Motion to Dismiss be DENIED. 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.

On November 2, 2010, Respondent filed timely objections to the Findings and Recommendation.

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, including Petitioner's objections, the Court concludes that the Magistrate Judge's Findings and Recommendation is supported by the record and proper analysis. Petitioner's objections present no grounds for

1 questioning the Magistrate Judge's analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The Findings and Recommendation issued October 1, 2010, is ADOPTED IN
4 FULL;
- 5 2. Respondent's Motion to Dismiss is DENIED;
- 6 3. Within forty-five (45) days from the date of service of this order, Respondent shall
7 file a further response to the petition in accordance with the Court's June 21,
8 2010, order to respond; and
- 9 4. The matter is referred back to the Magistrate Judge for further proceedings.

10 IT IS SO ORDERED.

11 **Dated: November 15, 2010**

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