

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EUGENIO PEREIDA,)	1:10-cv-00860-OWW-JLT HC
)	
Petitioner,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS (Doc. 15)
v.)	
)	ORDER DENYING MOTION TO DISMISS
)	PETITION FOR WRIT OF HABEAS CORPUS
JAMES D. HARTLEY, Warden,)	(Doc. 11)
)	
Respondent.)	ORDER REMANDING PETITION FOR WRIT
)	OF HABEAS CORPUS TO MAGISTRATE
)	JUDGE FOR FURTHER PROCEEDINGS
)	

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

On August 8, 2010, Respondent filed a motion to dismiss the petition, claiming lack of exhaustion. (Doc. 11). On November 4, 2010, the Magistrate Judge assigned to the case filed a Findings and Recommendations recommending that Respondent's motion to dismiss be denied. ([Doc. 15](#)). This Findings and Recommendations was served on all parties and contained notice that any objections were to be filed within twenty days from the date of service of that order. On November 24, 2010, Respondent filed objections to the Magistrate Judge's Findings and Recommendations. ([Doc. 16](#)). On November 30, 2010, Petitioner's counsel filed a response to

Respondent's objections. ([Doc. 17](#)).

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 Recommendations is supported by the record and proper analysis. Petitioner's objections present no grounds for questioning the Magistrate Judge's analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed November 4, 2010 (Doc. 15), is ADOPTED IN FULL;
2. Respondent's Motion to Dismiss (Doc. 11), is DENIED;
3. This petition for writ of habeas corpus is REMANDED to the United States Magistrate Judge assigned to this case for further proceedings.

IT IS SO ORDERED.

Dated: December 14, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE