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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD ALLEN SMITH,)	1:10-cv-01111-OWW-SMS-HC
)	
Petitioner,	)	ORDER RE: FINDINGS AND
	)	RECOMMENDATIONS (DOC. 14)
)	
v.	)	ORDER GRANTING RESPONDENT'S
	)	MOTION TO DISMISS THE PETITION
KATHLEEN ALLISON,	)	WITHOUT LEAVE TO AMEND (DOCS. 13,
	)	1)
Respondent.)	
	)	ORDER DISMISSING THE PETITION
	)	WITHOUT LEAVE TO AMEND (DOC. 1),
	)	DECLINING TO ISSUE A CERTIFICATE
	)	OF APPEALABILITY, AND DIRECTING
	)	THE CLERK TO CLOSE THE CASE

Petitioner is a state prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 and 304.

On May 27, 2011, the Magistrate Judge filed findings and recommendations to dismiss the petition without leave to amend for failure to state a cognizable claim, decline to issue a certificate of appealability, and direct the clerk to close the action. The findings and recommendations were served by mail on

1 Petitioner on the same date. The findings and recommendations
2 informed Petitioner that objections were due within thirty days
3 of service.

4 Although the deadline for filing objections has passed, no
5 objections have been filed.

6 In accordance with the provisions of 28 U.S.C. § 636
7 (b) (1) (C), this Court has conducted a *de novo* review of the case.
8 The undersigned has carefully reviewed the entire file. The
9 Court finds that the report and recommendations are supported by
10 the record and proper analysis.

11 Accordingly, it IS ORDERED that:

12 1) The findings and recommendations filed on May 27, 2011,
13 are ADOPTED in full; and

14 2) Respondent's motion to dismiss the petition without
15 leave to amend is GRANTED; and

16 3) The petition for writ of habeas corpus is DISMISSED
17 without leave to amend for failure to state a claim cognizable in
18 a proceeding pursuant to 28 U.S.C. § 2254; and

19 4) The Court DECLINES to issue a certificate of
20 appealability; and

21 5) The Clerk is DIRECTED to close the action. IT IS SO
22 ORDERED.

23 **Dated: July 8, 2011**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE