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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS C. SCHUSTER,)	1:10-cv-01983-AWI-SKO-HC
)	
Petitioner,	)	ORDER RE: FINDINGS AND
	)	RECOMMENDATIONS (DOC. 14)
)	
v.	)	ORDER GRANTING RESPONDENT'S
	)	MOTION TO DISMISS THE PETITION
KEN CLARK, Warden,	)	(DOCS. 10, 1)
)	
Respondent.	)	ORDER DISMISSING THE PETITION
	)	WITHOUT LEAVE TO AMEND (DOC. 1)
)	
	)	ORDER 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 was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 and 304.

On May 31, 2011, the Magistrate Judge filed findings and recommendations to grant Respondent's motion to dismiss without leave to amend Petitioner's first and second due process claims concerning some evidence, to dismiss Petitioner's remaining claims without leave to amend, to decline to issue a certificate of appealability, and to direct the Clerk to close the case.

The findings and recommendations were served on all parties

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

4 On June 17, 2011, Petitioner filed timely objections to the
5 findings and recommendations. Although the period for filing a
6 reply has passed, no reply has been filed.

7 In accordance with the provisions of 28 U.S.C. § 636
8 (b)(1)(C), this Court has conducted a *de novo* review of the case.
9 The undersigned has carefully reviewed the entire file and has
10 considered the objections; the undersigned has determined there
11 is no need to modify the findings and recommendations based on
12 the points raised in the objections. The Court finds that the
13 report and recommendation is supported by the record and proper
14 analysis.

15 Accordingly, it IS ORDERED that:

16 1) The findings and recommendations filed on May 31, 2011,
17 are ADOPTED in full;

18 2) Respondent's motion to dismiss is GRANTED;

19 3) The petition for writ of habeas corpus is DISMISSED
20 without leave to amend;

21 4) The Court DECLINES to issue a certificate of
22 appealability; and

23 5) The Clerk is DIRECTED to close the action.

24 IT IS SO ORDERED.

25 Dated: July 22, 2011

26 
CHIEF UNITED STATES DISTRICT JUDGE