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EDWARD G. DANLEY,

THE ATTORNEY GENERAL OF THE

STATE OF CALIFORNIA,

V.

Petitioner,

Respondent.

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

) 1:11-cv-00123-LJO-SKO-HC

) ORDER ADOPTING FINDINGS AND) RECOMMENDATIONS (DOCS. 7, 1)

ORDER DISMISSING THE PETITION WITHOUT LEAVE TO AMEND FOR FAILURE TO STATE A COGNIZABLE

) CLAIM (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 has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 and 304.

On February 4, 2011, the Magistrate Judge filed findings and recommendations to grant Respondent's motion to dismiss the petition for failure to state a cognizable claim. The findings and recommendations were served on all parties on the same date. The findings and recommendations informed Petitioner that objections were due within thirty days of service.

On March 10, 2011, Petitioner filed objections to the findings and recommendations, which the Court deems to be timely.

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. The undersigned has carefully reviewed the entire file and has considered the objections; the undersigned has determined there is no need to modify the findings and recommendations based on the points raised in the objections. The Court finds that the report and recommendation is supported by the record and proper analysis.

Accordingly, it IS ORDERED that:

- The findings and recommendations filed on February 4,
 are ADOPTED in full; and
- 2) The petition for writ of habeas corpus is DISMISSED for failure to state a claim cognizable in a proceeding pursuant to 28 U.S.C. § 2254; and
- 3) The Court DECLINES to issue a certificate of appealability; and
 - 4) The Clerk is DIRECTED to close the action.

IT IS SO ORDERED.

Dated: March 14, 2011 /s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE