UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DANIEL J. MARTINEZ,

Petitioner,

v.

MATTHEW CATE, Director,

Respondent.

/

1:11-cv-00572-AWI-MJS (HC)

ORDER ADOPTING FINDINGS AND RECOMMENDATION

ORDER DENYING MOTION TO DISMISS

(Document #12 & #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 January 4, 2012, the Magistrate Judge issued a Findings and Recommendation that the Motion to Dismiss be DENIED. This Findings and Recommendation was served on all parties with notice that any objections were to be filed within thirty days of the date of service of the order. Neither party objected 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. Accordingly, having carefully reviewed the entire file, the Court concludes that the Magistrate Judge's Findings and Recommendation is supported by the record and proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendation issued January 4, 2012, is ADOPTED;
2. Respondent's Motion to Dismiss is DENIED; and
3. The matter is referred to the assigned Magistrate Judge for further adjudication consistent with this order.

IT IS SO ORDERED.

Dated: April 27, 2012

CHIEF UNITED STATES DISTRICT JUDGE