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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RAY LEE VAUGHN,

 Petitioner,

 v.

RALPH M. DIAZ, Warden,

 Respondent.

Case No. 1:12-cv-01231-LJO-BAM-HC

ORDER RE: FINDINGS AND
RECOMMENDATIONS (DOC. 47)

ORDER DENYING PETITIONER'S MOTION
FOR RECONSIDERATION AND REQUEST FOR
AN EVIDENTIARY HEARING (DOC. 34)

ORDER DECLINING TO ISSUE A
CERTIFICATE OF APPEALABILITY

ORDER DIRECTING THE CLERK TO SEND A
COPY OF THIS ORDER TO THE NINTH
CIRCUIT COURT OF APPEALS

Petitioner is a state prisoner who proceeded 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 through 304.

On October 1, 2014, the Magistrate Judge filed findings and recommendations to deny Petitioner's request for an evidentiary hearing, deny Petitioner's motion for reconsideration, and decline to issue a certificate of appealability. The findings and recommendations were served on all parties on the same date. The findings and recommendations advised the parties that objections

1 could be filed within thirty days and replies within fourteen days
2 after the filing of objections. On October 23, 2014, Petitioner
3 filed objections. Although over fourteen days have passed since the
4 filing of objections, no reply to the objections has been filed.

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

12 Further, because the Ninth Circuit Court of Appeals has
13 suspended consideration of Petitioner's pending appeal in case
14 number 13-16773 until Petitioner's motion for reconsideration is
15 ruled upon by this Court, the Clerk will be directed to send a copy
16 of this order to the Ninth Circuit Court of Appeals.

17 Accordingly, it is ORDERED that:

- 18 1. The findings and recommendations filed on October 1, 2014,
19 are ADOPTED in full; and
20 2. Petitioner's request for an evidentiary hearing is DENIED;
21 and 3. Petitioner's motion for reconsideration is DENIED; and
22 4. The Court DECLINES to issue a certificate of appealability;
23 and 5. The Clerk of the Court is DIRECTED to send a copy of this
24 order to the Ninth Circuit Court of Appeals.

25
26 IT IS SO ORDERED.

27 Dated: November 20, 2014

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE