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

STEFAN E. EVANS,

 Petitioner,

 v.

SOTO, Warden,

 Respondent.

Case No. 1:12-cv-01652-LJO-BAM-HC

ORDER RE: FINDINGS AND
RECOMMENDATIONS (DOC. 23)

ORDER DENYING RESPONDENT'S MOTION
TO DISMISS (DOC. 17) AND DISMISSING
PETITIONER'S MOTIONS AS MOOT (DOCS.
19, 21, 22)

ORDER REFERRING THE CASE BACK TO
THE MAGISTRATE JUDGE

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 through 304.

On September 13, 2013, the Magistrate Judge filed findings and recommendations that Respondent's motion to dismiss the petition be denied, Petitioner's motions be dismissed as moot, and the matter be referred back to the Magistrate Judge for further proceedings. The findings and recommendations were served on all parties on the same date. The findings and recommendations advised the parties that

1 objections could be filed within thirty days and replies within
2 fourteen days after the filing of objections. Although the thirty-
3 day period for the filing of objections has passed, no objections
4 have 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. Having
7 carefully reviewed the entire file, the Court finds that the report
8 and recommendations are supported by the record and proper analysis.
9 Thus, the Court will adopt the findings and recommendations.

10 Accordingly, it is ORDERED that:

11 1) Respondent's motion to dismiss the petition as untimely is
12 DENIED; and

13 2) Petitioner's motions are DISMISSED as moot; and

14 3) The matter is REFERRED back to the Magistrate Judge for
15 further proceedings, including directing Respondent to file an
16 answer to the petition.

17
18 IT IS SO ORDERED.

19 Dated: October 22, 2013

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