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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

**JESUS CIANEZ HERNANDEZ,**  
Petitioner,  
  
v.  
  
**GREG LEWIS,**  
Respondent.

1:12-cv-01661 LJO MJS HC

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATION**

(Doc. 27)

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On February 4, 2013, Respondent filed a motion to dismiss the petition as untimely filed under 28 U.S.C. § 2244(d). On August 19, 2013, 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. Respondent filed objections on September 12, 2013, and Petitioner filed a reply to the objections on September 26, 2013.

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

1 entire file, including Respondent's objections and Petitioner's reply, the Court concludes  
2 that the Magistrate Judge's Findings and Recommendation is supported by the record  
3 and proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Findings and Recommendation issued August 19, 2013, is ADOPTED;
- 6 2. Respondent's Motion to Dismiss is DENIED; and
- 7 3. The matter is referred to the assigned Magistrate Judge for further  
8 adjudication consistent with this order.

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IT IS SO ORDERED.

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Dated: September 30, 2013

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

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