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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAIME ESTRADA,
Petitioner,
v.
MARTIN BITER,
Respondent.

No. 1:14-cv-00679-DAD-EPG-HC

ORDER ADOPTING FINDINGS AND
RECOMMENDATION, DENYING IN PART
PETITION FOR WRIT OF HABEAS
CORPUS, AND REFERRING MATTER
BACK TO MAGISTRATE JUDGE FOR
EVIDENTIARY HEARING

(Doc. No. 48)

Petitioner is a state prisoner proceeding *in forma pauperis* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This matter was referred to the assigned magistrate judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 and 304. On August 19, 2016, the magistrate judge issued findings and recommendations recommending that an evidentiary hearing be held with respect to petitioner’s first claim for relief and that relief be denied with respect to the remaining claims of the pending petition. (Doc. No. 48.) The findings and recommendation were served on the parties with notice provided that any objections thereto were to be filed within thirty (30) days of the date of service of the order. Respondent filed a notice of no objection to the findings and recommendations. (Doc. No. 52.) To date, petitioner has filed no objections to the August 19, 2016 findings and recommendations, and the time for doing so has passed.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the undersigned has
2 conducted a *de novo* review of the case. Having carefully reviewed the entire file, the
3 undersigned concludes that the findings and recommendation are supported by the record and
4 proper analysis.

5 Accordingly:

- 6 1. The findings and recommendations issued August 19, 2016 (Doc. No. 48) are adopted
7 in full;
- 8 2. The petition for writ of habeas corpus is denied as to petitioner's second and third
9 claims for relief; and
- 10 3. This matter is referred back to the magistrate judge in order to conduct an evidentiary
11 hearing with respect to petitioner's first claim for federal habeas relief.

12 IT IS SO ORDERED.

13 Dated: January 17, 2017

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16 UNITED STATES DISTRICT JUDGE
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