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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANDREW MANCILLA,

Petitioner,

v.

W.L. MUNIZ,

Respondent.

Case No. 1:14-cv-00935-AWI-GSA-HC

ORDER ADOPTING FINDINGS AND
RECOMMENDATION, GRANTING
PETITIONER’S MOTION TO WITHDRAW
CLAIMS 1, 2, AND 3, DENYING
RESPONDENT’S MOTION TO DISMISS
AS MOOT, AND DISCHARGING THE
COURT’S APRIL 6, 2015 ORDER TO
SHOW CAUSE

(Doc. 29)

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

On May 18, 2015, the Magistrate Judge issued a Findings and Recommendation (“F&R”) that recommended that Petitioner’s motion to withdraw claims 1, 2, and 3 from the petition be granted and Respondent’s motion to dismiss be denied as moot. ECF No. 29. The F&R also recommended discharging the Court’s April 6, 2015 order to show cause. On May 18, 2015, the F&R was served on all parties and contained notice that any objections were to be filed within thirty (30) days after the date of service of the Findings and Recommendations. The parties did not file objections.

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. Having carefully reviewed the entire file, the Court concludes that

1 the Magistrate Judge's F&R is supported by the record and proper analysis, and there is no need
2 to modify it.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The Findings and Recommendation issued May 18, 2015 is ADOPTED IN FULL;
- 5 2. Petitioner's motion to withdraw claims 1, 2, and 3 is GRANTED;
- 6 3. Claims 1, 2, and 3 are DELETED from the petition;
- 7 4. The Court's April 6, 2015 order to show cause is DISCHARGED;
- 8 5. Respondent's motion to dismiss is DENIED as MOOT; and
- 9 6. The matter is REFERRED BACK to the Magistrate Judge for further proceedings.

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11 IT IS SO ORDERED.

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13 Dated: July 16, 2015



SENIOR DISTRICT JUDGE

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