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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FELIPE GUERRA SANCHEZ,

 Petitioner,

 v.

RONALD RACKLEY,

 Respondent.

Case No. 1:16-cv-00604-LJO-EPG-HC

ORDER ADOPTING FINDINGS AND
RECOMMENDATION, DENYING
WITHOUT PREJUDICE RESPONDENT’S
MOTION TO DISMISS, DENYING
PETITIONER’S MOTION FOR
EVIDENTIARY HEARING, AND
REFERRING MATTER BACK TO
MAGISTRATE JUDGE

(ECF Nos. 14, 21, 23)

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On February 24, 2017, the Magistrate Judge issued Findings and Recommendation that recommended Respondent’s motion to dismiss be denied without prejudice. (ECF No. 23). This Findings and Recommendation was served on the parties and contained notice that any objections were to be filed within fourteen (14) days of the date of service of that order. To date, the parties have filed no objections, and the time for doing so has passed.

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 the Findings and Recommendation is supported by the record and proper analysis, and there is no need to modify the Findings and Recommendation.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendation issued on February 24, 2017 (ECF No. 23) is
3 ADOPTED IN FULL;
- 4 2. Respondent's motion to dismiss (ECF No. 14) is DENIED WITHOUT PREJUDICE
5 to renewing the motion after the Court rules on the merits of the petition;
- 6 3. Petitioner's motion for an evidentiary hearing (ECF No. 21) is DENIED; and
- 7 4. The matter is referred back to the Magistrate Judge for further proceedings.

8
9 IT IS SO ORDERED.

10 Dated: March 21, 2017

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