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## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

ORLANDO VIBANCO,

CASE NO. 1:17-cv-00926-AWI-HBK (HC)

Petitioner,

v.

SHAWN HATTON.

Respondent.

ORDER REINSTATING DECEMBER 4, 2020 ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DISMISSING PETITION FOR WRIT OF HABEAS CORPUS, AND DIRECTING CLERK OF COURT TO CLOSE CASE

(Doc. No. 35)

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Petitioner Orlando Vibanco is a state prisoner proceeding in propria persona with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Doc. No. 15. On August 28, 2020, the magistrate judge assigned to the case issued findings and recommendations to deny the petition. Doc. No. 28. These findings and recommendations were served upon all parties and contained notice that any objections were to be filed within thirty days from the date of service of that order. Petitioner was granted two extensions of time to file his objections, resulting in a filing deadline of November 30, 2020. Doc. Nos. 31, 33. On December 3, 2020, the Court adopted the findings and recommendations in full. Doc. No. 35. On December 4, 2020, the order adopting the findings and recommendations and the judgment closing the case were docketed. Doc. Nos. 35, 36. On the same day, December 4, 2020, Petitioner's motion for an additional extension of time to file objections to the findings and recommendations was also docketed. Doc. No. 37. Because Petitioner's motion for an extension of time was docketed on the same day as this Court's order adopting the findings and recommendations, the Court vacated the findings and recommendations, reopened the case, and granted petitioner until February 1, 2021, to object to the findings and recommendations. Doc. No. 38.

Petitioner has not filed any objections to the findings and recommendations and the time for doing so has passed. Accordingly, the Court will reinstate its December 4, 2020 order adopting the findings and recommendations, closing the case, and declining to issue a certificate of appealability. **ORDER** Accordingly, IT IS HEREBY ORDERED that: 1. The Court's December 4, 2020 order adopting the findings and recommendations (Doc. No. 35) is REINSTATED; 2. The petition for writ of habeas corpus (Doc. No. 15) is DENIED; 3. The Clerk of Court shall ENTER JUDGMENT and CLOSE the file; and 4. The Court DECLINES to issue a certificate of appealability. IT IS SO ORDERED. Dated: <u>April 6, 2021</u> SENIOR DISTRICT JUDGE