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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT HUDSON,
Petitioner,
v.
C. PFEIFFER,
Respondent.

Case No. 1:17-cv-00982-LJO-SAB-HC
ORDER ADOPTING FINDINGS AND
RECOMMENDATION, GRANTING
RESPONDENT’S MOTION TO DISMISS,
AND DIRECTING CLERK OF COURT TO
CONVERT CASE TO CIVIL RIGHTS
ACTION PURSUANT TO 42 U.S.C. § 1983
(ECF Nos. 10, 12)

Petitioner is proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On December 13, 2017, the Magistrate Judge issued Findings and Recommendation that recommended granting Respondent’s motion to dismiss and allowing Petitioner to convert the habeas petition to a civil rights action under 42 U.S.C. § 1983. (ECF No. 12). The Findings and Recommendation were served on the parties and contained notice that any objections were to be filed within thirty (30) days of the date of service of the Findings and Recommendation. To date, the parties have not filed any objections, and the time for doing so has passed. On January 16, 2018, Petitioner filed a § 1983 civil rights complaint and a motion to proceed in forma pauperis. (ECF Nos. 15, 16).

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of the matter. Having carefully reviewed the entire file, the Court concludes that the Findings and Recommendation is supported by the record and proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendation issued on December 13, 2017 (ECF No. 12) is
3 ADOPTED;
- 4 2. Respondent's motion to dismiss (ECF No. 10) is GRANTED; and
- 5 3. The Clerk of Court is DIRECTED to convert the instant case to a civil rights action
6 pursuant to 42 U.S.C. § 1983.

7
8 IT IS SO ORDERED.

9 Dated: February 21, 2018

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