

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LUIS MIGUEL GONZALEZ,  
Petitioner,  
v.  
MICHAEL SEXTON,  
Respondent.

No. 1:18-cv-00039-DAD-JDP (HC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
RESPONDENT’S MOTION TO DISMISS

(Doc. Nos. 8, 19)

Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. No. 1.) On March 13, 2018, respondent moved to dismiss the pending petition arguing that it was untimely filed. On January 4, 2019, the assigned magistrate judge issued findings and recommendations recommending that respondent’s motion to dismiss be denied. (Doc. No. 19.) Those findings and recommendations were served on the parties and provided notice that any objections thereto were to be filed within fourteen days of service. (*Id.*)

On January 22, 2019, the magistrate judge granted respondent an extension of time to file objections to the findings and recommendations. (Doc. No. 21.) To date, respondent has not objected to the findings and recommendations, and the time period for doing so has expired.

/////  
/////

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

4 Accordingly:

- 5 1. The findings and recommendations issued on January 4, 2019 (Doc. No. 19) are  
6 adopted in full;
- 7 2. Respondent's motion to dismiss (Doc. No. 8) is denied;
- 8 3. The Clerk of the Court is directed to amend the caption to identify Michael Sexton,  
9 rather than "On Habeas Corpus," as the respondent in this action; and
- 10 4. The matter is referred back to the assigned magistrate judge for further  
11 proceedings.

12 IT IS SO ORDERED.

13 Dated: March 2, 2019

14   
15 \_\_\_\_\_  
16 UNITED STATES DISTRICT JUDGE