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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE LUIS MUNGUIA,

Petitioner,

v.

JIM ROBERTSON,

Respondent.

Case No. 1:18-cv-00743-AWI-SAB-HC

ORDER ADOPTING FINDINGS AND
RECOMMENDATION, GRANTING
RESPONDENT’S MOTION TO DISMISS,
AND ALLOWING PETITIONER TO
PROCEED WITH EXHAUSTED CLAIMS

(ECF Nos. 12, 16)

Petitioner is proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 31, 2018, the Magistrate Judge issued Findings and Recommendation that recommended granting the motion to dismiss and allowing Petitioner to proceed with the fully exhausted first amended petition. (ECF No. 16). This Findings and Recommendation was served on Petitioner and contained notice that any objections were to be filed within thirty (30) days of the date of service of that order. To date, Petitioner has 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 matter. Having carefully reviewed the entire file, the Court concludes that the Findings and Recommendation is supported by the record and proper analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendation issued on August 31, 2018 (ECF No. 16) is
3 ADOPTED IN FULL;
- 4 2. Respondent's motion to dismiss the petition (ECF No. 12) is GRANTED;
- 5 3. Petitioner is allowed to proceed with the fully exhausted first amended petition; and
- 6 4. The matter is referred back to the Magistrate Judge for further proceedings.

7
8 IT IS SO ORDERED.

9 Dated: November 5, 2018



10 SENIOR DISTRICT JUDGE