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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS HERNANDEZ,
Petitioner,

v.

DAVID BAUGHMAN, Warden,
Respondent.

No. 1:18-cv-01271-LJO-JLT (HC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS (Doc. No. 16)**

**ORDER GRANTING RESPONDENT'S
MOTION TO DISMISS (Doc. No. 11)**

**ORDER DIRECTING PETITIONER TO
AMEND THE PETITION OR REQUEST
DISMISSAL OF PETITION**

[TEN DAY DEADLINE]

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 16, 2019, the Magistrate Judge assigned to the case issued Findings and Recommendation to grant Respondent's motion to dismiss for failure to exhaust state remedies. (Doc. Nos. 11, 16.) This Findings and Recommendation was served upon all parties and contained notice that any objections were to be filed within twenty-one days from the date of service of that order. To date, no party has filed objections.

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

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Accordingly, the Court orders as follows:

1. The Findings and Recommendations, filed January 16, 2019 (Doc. No. 16), is ADOPTED IN FULL;
2. Respondent’s motion to dismiss (Doc. No. 11) is GRANTED; and
3. Petitioner is DIRECTED to amend the petition to delete the unexhausted claim or request dismissal of the petition without prejudice within ten court days of the date of service of this Order.

IT IS SO ORDERED.

Dated: February 21, 2019

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