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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KAI WALTER WILLIAMS,
Petitioner,

v.

RALPH DIAZ, Acting Secretary,
Respondent.

No. 1:18-cv-01362-AWI-JLT (HC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS (Doc. No. 20)**

**ORDER DENYING RESPONDENT’S
MOTION TO DISMISS (Doc. No. 15)**

**ORDER DIRECTING RESPONDENT TO
FILE A RESPONSE**

[SIXTY DAY DEADLINE]

Petitioner is a state prisoner proceeding in propria persona with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. On December 18, 2018, Respondent filed a motion to dismiss contending that the petitioner had violated the statute of limitations. (Doc. 15.) On January 2, 2019, Petitioner filed an opposition in which he showed the petition was timely filed. (Doc. 19.) On January 22, 2019, the Magistrate Judge assigned to the case issued Findings and Recommendation to deny Respondent’s motion to dismiss. (Doc. No. 20.) 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.

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
3 the Magistrate Judge's Findings and Recommendation is supported by the record and proper
4 analysis.

5 Accordingly, the Court orders as follows:

- 6 1. The Findings and Recommendations, filed January 22, 2019 (Doc. No. 20), is
7 ADOPTED IN FULL;
- 8 2. Respondent's motion to dismiss (Doc. No. 15) is DENIED;
- 9 3. Respondent is DIRECTED to file a response to the petition within sixty days of
10 the date of service of this order;
- 11 4. Petitioner's traverse, if any, is due within thirty days of the date Respondent's
12 response is filed; and
- 13 5. This case is referred back to the Magistrate Judge for further proceedings.

14 IT IS SO ORDERED.

15 Dated: April 2, 2019

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17 SENIOR DISTRICT JUDGE
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