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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	JORGE GOMEZ,	No. 1:21-cv-00207-AWI-JLT (HC)
12	Petitioner,	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS (Doc. No. 6)
13		ORDER GRANTING PETITIONER'S
14	v.	MOTION TO WITHDRAW PETITION (Doc. No. 5)
15		ORDER DISMISSING PETITION FOR
16	ANDREW CIOLLI, Warden, U.S.P.	WRIT OF HABEAS CORPUS
17	Atwater,	ORDER DIRECTING CLERK OF COURT TO ENTER JUDGMENT AND CLOSE
18	Respondent.	CASE CASE
19		NO CERTIFICATE OF APPEALABILITY IS REQUIRED
20		IS REQUIRED
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22	Petitioner is a federal prisoner proceed	eding in propria persona with a petition for writ of

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habeas corpus pursuant to 28 U.S.C. § 2241. On April 5, 2021, the Magistrate Judge assigned to the case issued Findings and Recommendations to dismiss the petition. (Doc. No. 6.) This Findings and Recommendations were served upon all parties and contained notice that any objections were to be filed within ten 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

1 de novo review of the case. Having carefully reviewed the entire file, the Court concludes that 2 the Magistrate Judge's Findings and Recommendations are supported by the record and proper 3 analysis. The plain language of 28 U.S.C. § 2253(c)(1) does not require a certificate of 4 5 appealability because this is an appeal from an order denying a petition for writ of habeas corpus 6 pursuant to 28 U.S.C. § 2241, not a final order in a habeas proceeding in which the detention 7 complained of arises out of process issued by a State court. Forde v. U.S. Parole Commission, 8 114 F.3d 878 (9th Cir. 1997); see Ojo v. INS, 106 F.3d 680, 681-682 (5th Cir. 1997); Bradshaw v. 9 Story, 86 F.3d 164, 166 (10th Cir. 1996). 10 Accordingly, the Court orders as follows: The Findings and Recommendations, filed April 5, 2021 (Doc. No. 6), are 11 1. 12 ADOPTED IN FULL; 13 2. The petition for writ of habeas corpus is DISMISSED; 3. 14 The Clerk of Court is DIRECTED to ENTER JUDGMENT and close the file; and, 15 4. No certificate of appealability is required. This order terminates the action in its entirety. 16 17 IT IS SO ORDERED. 18 Dated: <u>April 20, 2021</u> 19 SENIOR DISTRICT JUDGE 20 21 22 23 24 25 26 27

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