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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

SCOTT MATTHEW PIERCE,	)	Case No.: 1:22-cv-0107 JLT HBK (HC)
Petitioner,	)	ORDER ADOPTING THE FINDINGS AND
v.	)	RECOMMENDATIONS, DISMISSING
UNITED STATES OF AMERICA,	)	PETITION FOR WRIT OF HABEAS CORPUS,
Respondent.	)	AND DIRECTING CLERK OF COURT TO
	)	CLOSE CASE
	)	(Docs. 17)
	)	

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The assigned magistrate judge conducted a preliminary review under Rule 4 of the Rules Governing Section 2254 Cases,<sup>1</sup> and issued Findings and Recommendations recommending that the amended Petition be dismissed for failure to state a claim and failure to exhaust administrative remedies. (Doc. 17.) The Findings and Recommendations contained notice that any objections thereto were to be filed within 14 days after service. (*Id.* at 5.) The Court advised Petitioner “that failure to file objections within the specified time may result in the waiver of rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)). To date, Petitioner has not filed objections.

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<sup>1</sup> The Rules Governing Section 2254 Cases may be applied to petitions for writ of habeas corpus other than those brought under § 2254 at the Court’s discretion. See Rule 1 of the Rules Governing Section 2254 Cases. Civil Rule 81(a)(2) provides that the rules are “applicable to proceedings for . . . habeas corpus . . . to the extent that the practice in such proceedings is not set forth in statutes of the United States and has heretofore conformed to the practice of civil actions.” Fed. R. Civ. P 81(a)(2).

1 According to 28 U.S.C. § 636 (b)(1)(C), the Court conducted a *de novo* review of the case.

2 Having carefully reviewed the entire file, the Court concludes the Findings and

3 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

4 1. The Findings and Recommendations issued on April 15, 2022 (Doc. 17), are  
5 **ADOPTED** in full.

6 2. The amended petition for writ of habeas corpus (Doc. 16) is **DISMISSED** without  
7 prejudice.

8 3. The Clerk of Court is directed to close the case.

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10 IT IS SO ORDERED.

11 Dated: May 22, 2022

  
UNITED STATES DISTRICT JUDGE

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