1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 ANTONIO ESPINOZA, No. 2:94-cv-1665 KJM DB P 12 Petitioner, 13 **ORDER** v. 14 WARDEN, CALIFORNIA STATE PRISON AT SAN QUENTIN, 15 Respondent. 16 17 Petitioner, a state prisoner proceeding through counsel, has filed an application for a writ 18 of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate 19 Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On October 31, 2022, the magistrate judge filed findings and recommendations, which 21 were served on all parties and which contained notice to all parties that any objections to the 22 findings and recommendations were to be filed within fourteen days. Neither party has filed 23 objections to the findings and recommendations. 24 The court presumes that any findings of fact are correct. See Orand v. United States, 25 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed 26 de novo. See Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law 27 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court 28

...."). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis. Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations filed October 31, 2022 are adopted in full; and 2. The stay of these proceedings is lifted. DATED: January 12, 2023. DLB:9/espi1665.802 hc