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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

WILLIAM A. PROCTOR,

No. CIV S-96-1401-JAM-CMK

Petitioner,

DEATH PENALTY CASE

vs.

ORDER

ROBERT L. AYERS, JR., et al.,

Respondents.

_____ /

Petitioner, a state prisoner proceeding with appointed counsel, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On May 15, 2007, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. Timely objections to the findings and recommendations have been filed.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-
2 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire
3 file, the court finds the findings and recommendations to be supported by the record and by
4 proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. The findings and recommendations filed May 15, 2007, are adopted in
7 full;

8 2. Petitioner's Rule 56(f) motion (Docs. 185 and 186) is denied;

9 3. Petitioner's motion for summary judgment (Doc. 189) is denied in its
10 entirety;

11 4. Respondents' motion for summary judgment (Doc. 176) is granted in part
12 and denied in part without prejudice, as outlined in the May 15, 2007, findings and
13 recommendations; and

14 5. Claims A, C, D, F, G, H, J, K (to the extent not already dismissed), L, M,
15 N, O, Q, R, and S are denied on the merits.

16 DATED: April 16, 2009

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18 /s/ John A. Mendez
19 UNITED STATES DISTRICT JUDGE
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