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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MANUEL MACHADO ALVAREZ,  
Petitioner,  
v.  
WARDEN, SAN QUENTIN STATE  
PRISON,  
Respondent.

No. 2: 97-cv-1895 KJM KJN P

ORDER

Petitioner was a state prisoner under sentence of death. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 11, 2020, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. No objections have been filed.

Accordingly, the court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that the findings and recommendations filed September 11, 2020, are adopted in full; and

1. Petitioner’s counsel’s motion (ECF No. 375) is granted;
2. The Findings and Recommendations dated April 3, 2019 (ECF No. 364) are vacated; and
3. This action is dismissed as having been rendered moot by Petitioner’s death.

DATED: March 23, 2021.

  
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CHIEF UNITED STATES DISTRICT JUDGE

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