IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS EUGENE MOORE,

Petitioner, No. CIVS-02-0007 JAM DAD P

vs.

ROBERT HOREL, Warden,

Respondent. ORDER

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Petitioner, a state prisoner proceeding pro se, has filed a sixth amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On August 17, 2009, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within twenty days. On September 10, 2009, petitioner was granted an extension of time and on September 23, 2009, petitioner filed his objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire

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file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed August 17, 2009 (Doc. No. 127), are adopted in full;

2. Respondent's October 30, 2008 motion to dismiss specific claims (Doc. No. 104), is granted;

3. Petitioner's proposed amendments to the sixth amended petition (Doc. Nos. 116 and 117), filed on February 26, 2009, construed as a motion for leave to amend the sixth amended petition, is denied;

4. Petitioner's July 13, 2009 motion for leave to amend his sixth amended petition (Doc. No. 122) is denied; and

5. Within sixty days from the service of this order, respondent shall file his answer to the remaining claims in petitioner's sixth amended petition; petitioner's traverse, if any, shall be filed and served within thirty days after the service of the answer.

DATED: October 16, 2009.

/s/ John A. Mendez
UNITED STATES DISTRICT JUDGE

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