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

BRIAN K. CRAWFORD,

No. 2:03-cv-2626-MCE-JFM-P

Petitioner,

v.

ORDER

DIANA K. BUTLER, Warden, et al.,

Respondents.

_____ /

Petitioner, a state prisoner proceeding pro se, has filed this application 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 January 26, 2007, the magistrate judge filed findings and recommendations herein 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 twenty days. Neither party timely filed objections to the findings and recommendations. On February 21, 2007, this court adopted the findings and recommendations in full and denied petitioner's application for a writ of habeas corpus. Judgment was entered on the same day.

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1 On February 28, 2007, petitioner filed a letter in which he stated that he had not been
2 served with the findings and recommendations. By order filed March 13, 2007, the magistrate
3 judge directed the Clerk of the Court to serve a copy of the findings and recommendations on
4 petitioner and granted petitioner a period of forty-five days in which to file a motion for relief
5 from the February 21, 2007 order and judgment thereon together with proposed objections to the
6 findings and recommendations.

7 On April 23, 2007, petitioner filed a motion for relief from the February 21, 2007 order
8 and judgment thereon together with objections to the findings and recommendations. On April
9 30, 2007 and again on May 1, 2007, respondents filed a statement of non-opposition to the
10 motion for relief from judgment.

11 Good cause appearing, petitioner's April 23, 2007 motion for relief from judgment will
12 be granted and this court's February 21, 2007 order and the judgment entered thereon will be
13 vacated. Petitioner's objections to the January 26, 2007 findings and recommendations are
14 deemed timely filed and have been considered by the court in its further review of the findings
15 and recommendations.


16 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304,
17 this court has conducted a de novo review of this case, including the objections filed by petitioner
18 on April 20, 2007. Having carefully reviewed the entire file, the court finds the findings and
19 recommendations to be supported by the record and by proper analysis.

20 Accordingly, IT IS HEREBY ORDERED that:

- 21 1. Petitioner's April 23, 2007 motion for relief from judgment is granted;
- 22 2. This court's February 21, 2007 order and the judgment entered thereon are vacated;
- 23 3. Petitioner's April 23, 2007 objections to the January 26, 2007 finding and
24 recommendations are deemed timely filed;
- 25 4. Upon de novo review, the findings and recommendations filed January 26, 2007, are
26 adopted in full; and

1 5. Petitioner's application for a writ of habeas corpus is denied.

2 Dated: June 6, 2007

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4 MORRISON C. ENGLAND, JR.
5 UNITED STATES DISTRICT JUDGE

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