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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN LEE VARNUM,
Petitioner,
v.
RICHARD KIRKLAND,
Respondent.

No. 2:04-cv-2659 GEB CKD P (TEMP)

ORDER

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 Rule 302.

On January 25, 2016, 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 fourteen days. Petitioner has filed objections to the findings and recommendations.

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

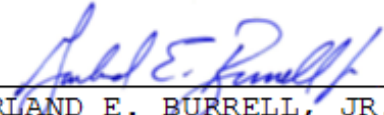
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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed January 25, 2016, are adopted in full;
2. Petitioner's August 19, 2015 filing submitted as a Rule 60(b) motion (Docket No. 40) is deemed in substance an unauthorized successive application for a writ of habeas corpus and therefore is dismissed; and
3. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

Dated: February 22, 2016



GARLAND E. BURRELL, JR.
Senior United States District Judge