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

TRACY MAXXIZZINE JONES,

Petitioner,

2:05-cv-1067-GEB-GGH-P

vs.

GLORIA A. HENRY, et al.,

Respondents.

ORDER

_____/

Petitioner, a state prisoner proceeding through counsel, 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 November 25, 2008, 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. Petitioner and respondents have filed 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

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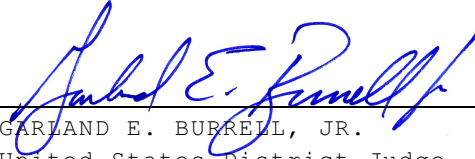
1 entire file, the court finds the findings and recommendations to be supported by the record and by
2 proper analysis. However, the court will modify the order of relief.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed November 25, 2008, are adopted in
5 full; and

6 2. Petitioner's application for a writ of habeas corpus is granted as to the claim
7 that she was denied her right to effective assistance of appellate counsel. Within sixty days of the
8 date of this order, petitioner is permitted to initiate the appeal process in state court by seeking a
9 certificate of probable cause. The petition is denied in all other respects.

10 Dated: January 22, 2009

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GARLAND E. BURRELL, JR.
United States District Judge