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

ED ONTIVEROS,

Petitioner,

No. CIV S-07-1441 JAM DAD P

vs.

R.J. SUBIA, Warden,

Respondent.

ORDER

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Petitioner, a state prisoner proceeding pro se, has filed an 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 February 8, 2011, 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-one days. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed February 8, 2011, are adopted in full;
- and
2. Respondent's April 2, 2008 motion to dismiss for failure to exhaust (Doc. No. 7) is denied

DATED: March 25, 2011

/s/ John A. Mendez  
UNITED STATES DISTRICT JUDGE