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

RAYMOND JOEL TAFOYA,

Petitioner,

No. 2:07-cv-2389 GEB KJN P

vs.

R.J. SUBIA,

Respondent.

ORDER

_____ /

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.

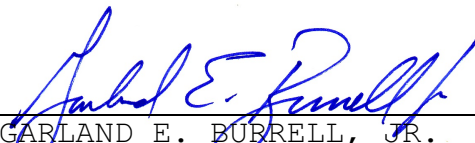
On February 23, 2010, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. Respondent has filed objections to the findings 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.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The findings and recommendations filed February 23, 2010 (Dkt. No. 24) are
3 adopted in full;
- 4 2. Respondent's July 27, 2009 motion to dismiss (Docket No. 19) is denied;
- 5 3. Respondent shall answer the petition¹ within thirty days after the filing date of
6 this order, and shall include with the answer any and all transcripts or other documents relevant
7 to the determination of the issues presented in the application that are not already part of the
8 record; and
- 9 4. Petitioner's reply, if any, shall be filed within thirty days from the date
10 respondents' answer is filed.

11 Dated: March 29, 2010

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GARLAND E. BURRELL, JR.
United States District Judge

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25 ¹ The court notes that, pursuant to the findings and recommendations (see Dkt. No. 24, at
26 p. 7), the Clerk of Court has sent petitioner a copy of page 8 of the November 1, 2007 petition,
which petitioner has now returned (Dkt. No. 26); thus, no further order on this matter is required.