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

JOHN MICHAEL KIRK,

Petitioner,

No. CIV S-07-2521 GEB GGH P

vs.

TOM FELKER, et al.,

Respondents.

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 May 13, 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 fourteen days. Respondent was granted an extension of time to file objections. Respondent has filed a “Request for Reconsideration by the District Court of Magistrate Judge’s Ruling Regarding Equitable Tolling,” which the court construes as objections to the findings and recommendations. Petitioner has filed a reply.

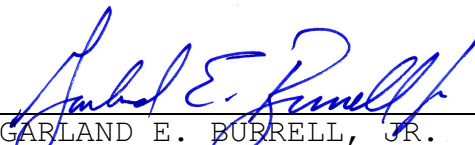
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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
2 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire
3 file, the court finds the findings and recommendations to be supported by the record and by
4 proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed May 13, 2010, are adopted in full; and
- 7 2. Respondent's motion to dismiss the petition as untimely, filed on April 25,
8 2008 (docket # 12), is denied.

9 Dated: June 29, 2010

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GARLAND E. BURRELL, JR.
United States District Judge