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

MARK JAY BAKER,

Petitioner,

No. CIV S-08-0311 FCD DAD P

vs.

C. KRAMER,

Respondent.

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 March 18, 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. 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. The decision of the magistrate judge is also consistent with the recent en

1 banc decision of the Ninth Circuit Court of Appeals in Hayward v. Marshall, ___ F.3d ___, No.
2 06-55392, 2010 WL 1664977 (9th Cir. Apr. 22, 2010).


3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed March 18, 2010, are adopted in full;

5 and

6 2. Petitioner's application for a writ of habeas corpus is denied.

7 DATED: May 3, 2010.

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10 FRANK C. DAMRELL, JR.
11 UNITED STATES DISTRICT JUDGE
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