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

FRANKIE L. ROGERS,

Petitioner,

No. CIV S-08-0722-WBS-KJN-P

vs.

BEN CURRY, et al.,

Respondents.

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 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 23, 2010, are adopted in full;
2. Respondents' May 29, 2009, motion to dismiss is granted; and
3. This is hereby DISMISSED for the reason that it is barred by the statute of limitations.

DATED: April 20, 2010



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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