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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM STEWART NEELY,
Petitioner,
v.
DIRECTOR, CALIFORNIA
DEPARTMENT OF CORRECTIONS
AND REHABILITATION, et al.,
Respondents.

No. 2:08-cv-1416 WBS CKD P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed a motion for relief from judgment under Federal Rule of Civil Procedure 60(b) with respect to the denial of his petition for writ of habeas corpus. By order entered August 17, 2022, the motion was referred to a United States Magistrate Judge for findings and recommendations.

On November 18, 2022, 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. 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

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1 court finds the findings and recommendations to be supported by the record and by proper
2 analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed November 18, 2022, are adopted in full;
- 5 2. Petitioner's motion for relief from judgment under Federal Rule of Civil Procedure
6 60(b) (ECF No. 57) is denied; and
- 7 3. The court declines to issue the certificate of appealability referenced in 28 U.S.C. §
8 2253.

9 Dated: December 16, 2022



10 **WILLIAM B. SHUBB**
11 **UNITED STATES DISTRICT JUDGE**

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