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8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10	THOMAS SHIVES,	
11	Petitioner, No. CIV S-08-1548 JAM EFB P	
12	VS.	
13	D.K. SISTO, Warden,	
14	Respondent. <u>ORDER</u>	
15	/	
16	Petitioner, a state prisoner proceeding pro se, has filed this application for a writ	
17	of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States	
18	Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
19	On January 22, 2010, the magistrate judge filed findings and recommendations	
20	herein which were served on all parties and which contained notice to all parties that any	
21	objections to the findings and recommendations were to be filed within twenty-one days.	
22	Respondent has filed objections to the findings and recommendations.	
23	In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule	
24	304, this court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the	
25	entire file, the court finds the findings and recommendations to be supported by the record and by	
26	proper analysis.	
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1	Accordingly, IT IS HEREBY ORDERED that:
2	1. The findings and recommendations filed January 22, 2010, are adopted in full;
3	2. Respondent's motion to dismiss the petition as untimely is DENIED;
4	3. Respondent is directed to file and serve an answer and not a motion in
5	response to petitioner's application within 60 days, see Rule 4, Fed. R. Governing § 2254 Cases,
6	and directed that the answer shall be accompanied by any and all transcripts or other documents
7	relevant to the determination of the issues presented in the application. See Rules 4, 5, Fed. R.
8	Governing § 2254 Cases; and
9	4. Petitioner's reply, if any, shall be filed and served within 30 days of service of
10	an answer.
11	DATED: March 26, 2010
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13	/s/ John A. Mendez UNITED STATES DISTRICT JUDGE
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