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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 DOUGLAS RANDALL CARYLE,

12 Petitioner,

2:08-cv-1736-GEB-GGH-P

13 vs.

14 JOHN MARSHALL, et al.,

15 Respondents.

ORDER

16 \_\_\_\_\_/  
17 Petitioner, a state prisoner proceeding pro se, has filed this application for a writ  
18 of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States  
19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

20 On December 5, 2008, the magistrate judge filed findings and recommendations  
21 herein which were served on all parties and which contained notice to all parties that any  
22 objections to the findings and recommendations were to be filed within twenty days. January 5,  
23 2009, petitioner filed his objections as well as a request for extension of time to file his  
24 objections. Good cause appearing, his objections are deemed timely filed.

25 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule  
26 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the

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

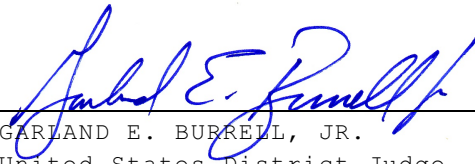
3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Petitioner's January 5, 2009, request for an extension of time (Docket No. 13)  
5 is granted; petitioner's objections are deemed timely filed;

6 2. The findings and recommendations filed December 5, 2008, are adopted in  
7 full; and

8 3. Respondent's September 3, 2008, motion to dismiss (Docket No. 7) is granted.

9 Dated: January 23, 2009

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12 GARLAND E. BURRELL, JR.  
United States District Judge  
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