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

QUOC XUONG LUU,

Petitioner,

No. CIV S-08-1744 WBS GGH P

vs.

IMMIGRATION AND NATURALIZATION
SERVICE (INS), et al.,

Respondents.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On December 4, 2008, 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. 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 72-304, 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.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed December 4, 2008, are adopted in
3 full; and

4 2. For the reason set forth in the Order, filed on October 28, 2008 (Docket No.
5 12), the amended petition filed on November 18, 2008 (Docket No. 13), which fails to cure the
6 jurisdictional defect, is dismissed and this case is closed.

7 DATED: January 29, 2009

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9 WILLIAM B. SHUBB
10 UNITED STATES DISTRICT JUDGE

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