

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

CRAIG ANDERSON

Petitioner,

No. CIV S-08-1751 FCD KJM P

vs.

D.K. SISTO

Respondent.

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 General Order No. 262.

On October 23, 2009, the magistrate judge filed findings and recommendations herein which were served on both parties and recommended that (1) the motion to dismiss be denied as moot and (2) the respondent ordered to submit an answer to the petition within sixty days. Respondent did not file objections to the findings and recommendations; moreover, respondent has already filed its answer. Petitioner has not 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

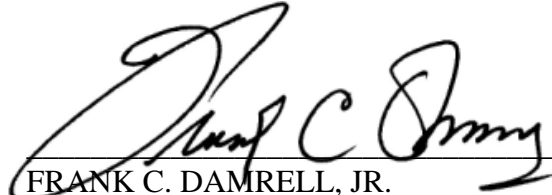
1 ORDERED that:

2 1. The findings and recommendations filed October 23, 2009, are adopted in full;

3 and

4 2. The motion to dismiss (docket no. 15) is denied as moot.

5 DATED: January 11, 2010.

6
7 
8 FRANK C. DAMRELL, JR.
9 UNITED STATES DISTRICT JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26