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

ANTHONY MARTINEZ,

Petitioner,

2;08-cv-1786-GEB-JFM (HC)

vs.

D.K. SISTO, 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. § 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 July 28, 2009, 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 ten days. Respondents have 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

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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:

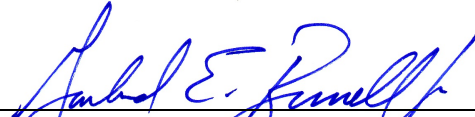
4 1. The findings and recommendations filed July 28, 2009, are adopted in full;

5 2. Respondents' October 10, 2008 motion to dismiss is denied;

6 3. Respondents shall answer the petition within thirty days from the date of this
7 order and shall include with the answer any and all transcripts or other documents relevant to the
8 determination of the issues presented in the application that are not already part of the record; and

9 3. Petitioner's traverse, if any, is due on or before thirty days from the date
10 respondents' answer is filed.

11 Dated: August 13, 2009

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GARLAND E. BURRELL, JR.
United States District Judge