

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

LUCAS NOEL DEFRAZTE,

Petitioner, No. CIV S-08-1984 JAM DAD P

VS.

JOHN MCGINNESS,

Respondent. ORDER

Petitioner, currently confined at the Sacramento County Main Jail, 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 November 13, 2008, the magistrate judge filed findings and recommendations herein which were served on petitioner and which contained notice to petitioner 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

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1 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 November 13, 2008, are adopted in
5 full;

6 2. Petitioner's application for a writ of habeas corpus is dismissed for failure to
7 state a cognizable federal claim; and

8 3. This action is closed.

9 DATED: January 14, 2009

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11 /s/ John A. Mendez
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UNITED STATES DISTRICT JUDGE