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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 ORDERED that:

- 1. The findings and recommendations filed October 14, 2008, are adopted in full; and
- 2. Petitioner's application for a writ of habeas corpus is dismissed without prejudice to filing a civil rights action.

DATED: January 27, 2009.

AWRENCE K. KARLTON

SENIOR JUDGE

UNITED STATES DISTRICT COURT