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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 BRANDON RUIZ,

2:08-cv-2085-GEB-CMK-P

12 Petitioner,

13 vs.

ORDER

14 MICHAEL MARTEL,

15 Respondent.
16 _____/

17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States
19 Magistrate Judge pursuant to Eastern District of California local rules.

20 On December 29, 2008, the Magistrate Judge filed findings and recommendations
21 herein which were served on the parties and which contained notice that the parties may file
22 objections within a specified time. Timely objections to the findings and recommendations have
23 been filed.

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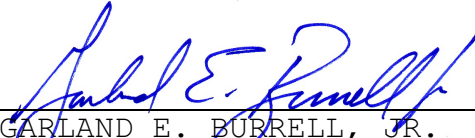
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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
2 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the
3 entire file, the court finds the findings and recommendations to be supported by the record and by
4 proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed December 29, 2008, are adopted
7 in full;
- 8 2. Respondent's motion to dismiss (Doc. 9) is granted; and
- 9 3. The Clerk of the Court is directed to enter judgment of dismissal and close
10 this file.

11 Dated: January 23, 2009

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14 GARLAND E. BURRELL, JR.
15 United States District Judge
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