

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

BRANDON RUIZ, 2:08-cv-2085-GEB-CMK-P

Petitioner,

## ORDER

MICHAEL MARTEL,

Respondent.

Petitioner, a state prisoner proceeding pro se, brings this petition 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 Eastern District of California local rules.

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

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