IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

EDDIE ORTIZ, JR.,

Petitioner, No. CIV S-08-2165-JAM-TJB

vs.

JAMES A. YATES,

Respondent. 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 Rule 302.

On November 5, 2010, the Magistrate Judge filed findings and recommendations herein, which was served on all parties, and it contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. On November 15, 2010, Petitioner filed a motion for an extension of time, requesting an extension of thirty days to file objections to the findings and recommendations. On November 17, 2010, Petitioner's motion for an extension of time was granted. On November 22, 2010, Petitioner filed objections to the findings and recommendations. Respondent did not file a reply to Petitioner's objections.

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

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed November 5, 2010, are adopted in full;
2. Petitioner's application for writ of habeas corpus is DENIED;
3. The Clerk is directed to close the case; and
4. The court declines to issue a certificate of appealability.

DATED: January 14, 2011

/s/ John A. Mendez
UNITED STATES DISTRICT JUDGE