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

ANTHONY CASTRO,
Petitioner,

No. CIV S-08-2390-MCE-CMK-P

vs.

ORDER

M. 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 July 1, 2010, 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. No objections to the findings and recommendations have been filed.

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.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed July 1, 2010, are adopted in full;
2. Respondent's motion to dismiss (Doc. 22) is DENIED; and
3. Respondent is directed to file an answer on the merits within 30 days.

Dated: July 27, 2010



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE