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

LACEDRIC W. JOHNSON,

Petitioner,

No. 2:09-cv-0067 WBS KJN P

vs.

JAMES WALKER,

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 May 2, 2011, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. Petitioner has filed objections to the findings and recommendations.

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.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed May 2, 2011, are adopted in full; and

3 2. Petitioner's application for a writ of habeas corpus is denied; and

4 3. Petitioner's motion for a certificate of appealability (Dkt. No. 31) is granted; a
5 certificate of appealability is issued pursuant to 28 U.S.C. § 2253 and Slack v. McDaniel, 529
6 U.S. 473, 484-85 (2000); jurists of reason would find it debatable whether the failure of prison
7 officials to appoint a staff assistant is a valid claim of the denial of a constitutional right.

8 DATED: July 14, 2011

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10 WILLIAM B. SHUBB
11 UNITED STATES DISTRICT JUDGE

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