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

MICHAEL JAMES SHUKRY,

Petitioner,

No. 2:09-cv-0669 GEB JFM (HC)

vs.

ANTHONY HEDGPETH, Warden,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has filed an 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 General Order No. 262.

On November 2, 2009, 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 days. Neither party has filed objections to the findings and recommendations.

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. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed November 2, 2009, are adopted in full;

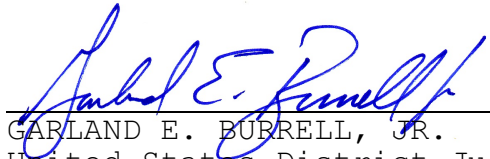
2. Respondent's May 11, 2009 motion to dismiss (#10) is denied;

3. Respondent is directed to answer the petition within thirty days from the date of this order and shall include with the answer any and all transcripts or other documents relevant to the determination of the issues presented in the application that are not already part of the record;

4. Petitioner's traverse, if any, be due on or before thirty days from the date respondents' answer is filed; and

5. Petitioner's October 21, 2009 motion is denied. Petitioner should attach the documents referenced in his October 21, 2009 motion to his traverse.

Dated: December 22, 2009



GARLAND E. BURRELL, JR.
United States District Judge