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

RICHARD JOSEPH CRANE,

Petitioner,

No. CIV S-09-0852 KJM EFB P

vs.

MIKE McDONALD,

Respondent.

ORDER

Petitioner, a state prisoner proceeding without counsel, has filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 20, 2011, the magistrate judge filed findings and recommendations, 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 fourteen days. Despite an extension of time granted to petitioner, neither party filed timely objections to the findings and recommendations.¹

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¹ Petitioner filed belated objections, which respondent has moved to strike. Even if the objections are considered, they do not change the result the court reaches below.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
2 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the file,
3 the court finds the findings and recommendations to be supported by the record and by the
4 proper analysis.²

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed January 20, 2011, are adopted in full;
- 7 2. Respondent's September 15, 2010 motion to dismiss, ECF 26, is granted in
8 part and petitioner's claims regarding the validity of the November 22, 2005 RVR (denominated
9 in the findings and recommendations as claims 1 through 3) are dismissed;
- 10 3. Respondent is granted 30 days from the date of this order to file a dispositive
11 motion regarding the remaining parole-denial claim or to answer to the petition; and
- 12 4. Petitioner's October 18, 2010 motion for summary judgment, ECF 30, is
13 denied.

14 DATED: August 1, 2011.

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UNITED STATES DISTRICT JUDGE

² The court the word "*infra*" on page 10, line 23, should be read "*supra*."