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

ARQUIMEDES MENDOZA,

No. 2:09-cv-01710-MCE-DAD P

Petitioner,

vs.

ORDER

MATTHEW CATE,

Respondent.

_____ /

Petitioner, a federal 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 August 26, 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 fourteen days. Respondent has filed objections to the findings and recommendations.

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

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed August 26, 2011, are adopted in full;
- 7 2. Respondent's November 3, 2010 motion to dismiss the petition as untimely
8 (Doc. No. 13) is denied; and
- 9 3. Respondent is ordered to file an answer to the petition for a writ of habeas
10 corpus within thirty days.

11 Dated: September 30, 2011

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14 MORRISON C. ENGLAND, JR.
15 UNITED STATES DISTRICT JUDGE
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