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

TIMMY O'NEIL CHARITY,

Petitioner,

No. CIV S-09-1968 FCD GGH P

vs.

EDMUND BROWN, et al.,

Respondents.

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 Rule 302.

On March 23, 2010, 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:

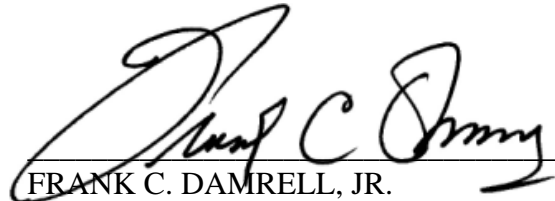
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1. The findings and recommendations filed March 23, 2010, are adopted in full;
2. Respondent's motion to dismiss (no. 24) is denied;
3. Claim four of the petition is dismissed pursuant to Rule 4, Rules Governing

Section 2254 Cases; respondent is ordered to file an answer to the remaining claims within thirty days of the filed date of this order.

DATED: May 3, 2010.


FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE