

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

JEFFREY MARK COLE,

Petitioner,

No. CIV S-09-2549 LKK DAD P

vs.

KATHY ALLISON, Acting Warden,

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 February 18, 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.

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 February 18, 2011, are adopted in
3 full;

4 2. Respondent's June 24, 2010 motion to dismiss the petition as untimely (Doc.
5 No. 26) is granted in part and denied in part as follows:

6 a. Respondent's motion to dismiss petitioner's second and fourth claims
7 as time-barred is granted; and

8 b. Respondent's motion to dismiss petitioner's first and third claims as
9 time-barred is denied.

10 DATED: March 25, 2011.

11
12 
13 LAWRENCE K. KARLTON
14 SENIOR JUDGE
15 UNITED STATES DISTRICT COURT
16
17
18
19
20
21
22
23
24
25
26