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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	PHILLIP W. PHILLIPS,
11	Petitioner, No. CIV S-09-3554 LKK GGH P
12	VS.
13	S. SALINAS,
14	Respondent. <u>ORDER</u>
15	/
16	Petitioner, a state prisoner proceeding pro se, has filed this application for a writ
17	of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States
18	Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.
19	On September 10, 2010, the magistrate judge filed findings and recommendations
20	herein which were served on all parties and which contained notice to all parties that any
21	objections to the findings and recommendations were to be filed within twenty days. Petitioner
22	has filed objections to the findings and recommendations.
23	In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
24	304, this court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the entire
25	file, the court finds the findings and recommendations to be supported by the record and by
26	proper analysis.
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Accordingly, IT IS HEREBY ORDERED that:
1. The findings and recommendations filed September 10, 10, are adopted in full;
and
2. Respondent's March 18, 2010, motion to dismiss petitioner's ex post facto
claim (Docket No. 11) is granted.
3. Within 60 days of this order, respondent shall file an answer to petitioner's
remaining claim that the Board's 2008 denial of parole violated his right to due process.
DATED: March 28, 2011.
Jaimme K Kerlton
LAWRENCE K. KARLTON SENIOR JUDGE
UNITED STATES DISTRICT COURT
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