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

OSCAR GONZALEZ,

Petitioner,

No. 2:10-cv-0228-WBS-JFM (HC)

vs.

MICHAEL MARTEL, Warden, et al.,

Respondent.

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 May 14, 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 fourteen 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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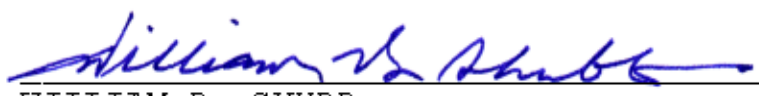
1. The findings and recommendations filed May 14, 2010, are adopted in full;

2. Respondents' April 8, 2010 motion to dismiss is denied;

3. Respondents shall answer the petition within thirty days from the date of this order and shall include with the answer any and all transcripts or other documents relevant to the determination of the issues presented in the application that are not already part of the record; and

4. Petitioner's traverse, if any, is due on or before thirty days from the date respondents' answer is filed.

DATED: June 23, 2010



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE