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

FELICIANO FERNANDEZ,

Petitioner,

No. CIV S-10-0535 FCD DAD P

vs.

T. FELKER, Warden,

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 November 22, 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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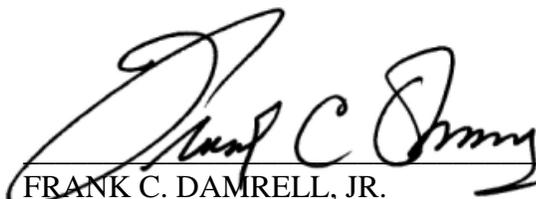
1. The findings and recommendations filed November 22, 2010, are adopted in full;

2. Respondent's May 10, 2010 motion to dismiss (Doc. No. 12) is denied; and

3. Respondent is directed to file an answer to the petition together with all transcripts and other documents relevant to the issues presented in the petition within sixty days.

See Rule 5, Fed. R. Governing § 2254 Cases.

DATED: January 12, 2011.


FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE