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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANK DIXON,
Petitioner,
v.
JAMES YATES,
Respondent.

No. 2:10-cv-0631 JAM AC P

ORDER

Petitioner, a state prisoner proceeding with retained counsel, 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 January 8, 2014, 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 was granted two extensions of time¹ to file objections to the findings and recommendations and has done so. Petitioner has filed a reply to the objections.

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

¹ ECF Nos. 37, 39.

1 court finds the findings and recommendations to be supported by the record and by proper
2 analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed January 8, 2014, are adopted in full;
- 5 2. The previously-issued Findings and Recommendations (ECF No. 20) are vacated; and
- 6 3. The motion to dismiss (ECF No. 8) is denied.

7 DATED: June 10, 2014

8 /s/ John A. Mendez

9 UNITED STATES DISTRICT COURT JUDGE

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