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

ELIN NAPOLEON,

Petitioner,

No. CIV S-10-0940 FCD GGH P

vs.

RICHARD B. YVES,

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 April 25, 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. 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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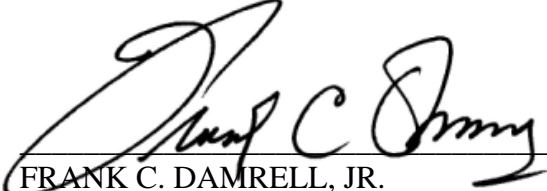
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1. The findings and recommendations filed April 25, 2011, are adopted in full;

2. Respondent's September 24, 2010 (docket #13), motion to dismiss for failure to exhaust administrative remedies is denied; and

3. Respondent filed an answer on May 23, 2011; petitioner is directed to file any reply/traverse within twenty-eight days of the filed date of this order.

DATED: June 6, 2011.

  
FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE