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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARIO FLAVIO GARCIA,
Petitioner,
v.
KEN CLARK, Warden,
Respondent.

No. 2:10-cv-0968 GEB DAD P

ORDER

Petitioner, a state prisoner proceeding pro se, 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 October 18, 2013, 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. After several extensions of time, petitioner has filed objections to the findings and recommendations.

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

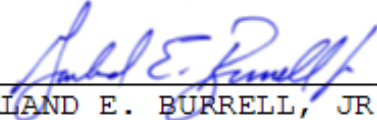
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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 18, 2013, are adopted in full;
2. Petitioner's June 17, 2013 request for relief from judgment pursuant to Fed. R. Civ. Proc. 60(b) and for an evidentiary hearing (Docket No. 149) is denied; and
3. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

Dated: March 3, 2014



GARLAND E. BURRELL, JR.
Senior United States District Judge