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

MARIO FLAVIO GARCIA,

Petitioner,

No. CIV S-10-0968 GEB DAD P

vs.

KEN CLARK, 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 December 28, 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 twenty-one days. Neither party has filed objections to the findings and recommendations.

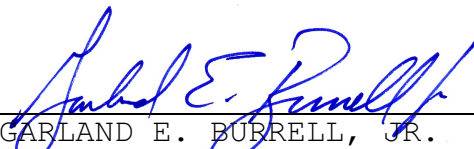
The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed December 28, 2011, are adopted in full;
2. Petitioner's March 21, 2011 motion to amend (Doc. No. 53) is denied;
3. Petitioner's June 29, 2011 motion to amend (Doc. No. 70) is denied; and
4. For the reasons set forth in the December 28, 2011 findings and recommendations, the court declines to issue a certificate of appealability.

Dated: February 29, 2012



GARLAND E. BURRELL, JR.
United States District Judge