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

FREDRICK ANDERSON,

Petitioner,

No. CIV S-10-1649 JAM CHS

vs.

JAMES WALKER, Warden,

Respondent.

ORDER

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Anderson, a state prisoner, proceeds through counsel with a petition for a writ of habeas corpus filed 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 8, 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. On January 17, 2012, Anderson’s counsel filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, 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 the applicable law.

1 Anderson has failed to make a substantial showing of the denial of a constitutional  
2 right for which relief is available. Accordingly, a certificate of appealability shall not issue. *See*  
3 28 U.S.C. § 2253(c); *Hayward v. Marshall*, 603 F.3d 546, 554 (9th Cir. 2010) (en banc).

4 For the foregoing reasons, IT IS HEREBY ORDERED THAT:

5 1. The findings and recommendations filed November 8, 2011, are adopted in  
6 full;

7 2. The petition for writ of habeas corpus is denied; and

8 3. A certificate of appealability shall not issue.

9 DATED: February 22, 2012

10 /s/ John A. Mendez  
11 UNITED STATES DISTRICT COURT JUDGE