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

FREDRICK OWENS, JR.,

Petitioner,

No. CIV S-10-2027 GEB GGH P

vs.

JAMES YATES,

Respondents.

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 February 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:

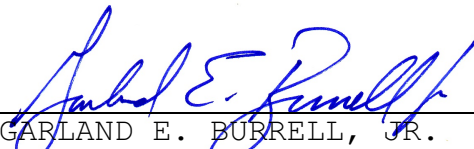
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1. The findings and recommendations filed February 25, 2011, are adopted in full; and

2. Respondent's October 26, 2010, motion to dismiss (docket #11) is granted in part, in that this successive petition is dismissed without prejudice to its refileing with a copy of an order from the Ninth Circuit authorizing petitioner to file a successive petition.

Dated: April 6, 2011



GARLAND E. BURRELL, JR.
United States District Judge