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

LENNI WILKES,

Petitioner,

No. 2:10-cv-2997 GEB DAD (HC)

vs.

M. D. MCDONALD,

Respondent.

ORDER

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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 June 29, 2012, 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. After receiving an extension of time to do so, 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.

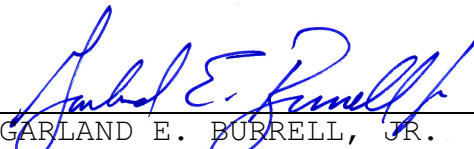
Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed June 29, 2012, are adopted in full;

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- 2. Petitioner's December 12, 2011 motion for relief from judgment (Doc. No. 24) is granted;
- 3. Petitioner's January 25, 2012 motion to amend (Doc. No. 26) is granted;
- 4. The claims raised in the first amended petition are dismissed; and
- 5. The district court declines to issue a certificate of appealability.

Dated: September 24, 2012

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