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

ROLANDO REINER DENEKE

Petitioner,

No. CIV S-10-3089 GGH P

vs.

GARY SWARTHOUT,

Respondents.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254

On December 12, 2010, the undersigned issues findings and recommendations that this petition be dismissed as petitioner failed to set forth a proper federal claim and the undersigned ordered that a district judge be assigned to this case.

On December 22, 2010, petitioner consented to the jurisdiction of the undersigned and on December 23, 2010, petitioner requested an extension to file objections to the findings and recommendations. However, on December 23, 2011, petitioner filed objections.

As petitioner has consented to the jurisdiction of the undersigned no objections are necessary. To the extent that the objections are construed as a request for reconsideration, the request is denied as petitioner’s petition is entirely frivolous as was described in the December

1 13, 2010, order.

2 In accordance with the above, IT IS HEREBY ORDERED that:

3 1. The December 13, 2010, order and findings and recommendations be
4 construed as an order;

5 2. This case is dismissed.

6 DATED: January 18, 2011

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/s/ Gregory G. Hollows

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UNITED STATES MAGISTRATE JUDGE

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GGH: AB
dene3089.ord

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