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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	JOHN GONZALES JOSEPH,
11	Petitioner, No. CIV S-11-0260 JAM GGH P
12	VS.
13	GARY SWARTHOUT,
14	Respondent. <u>ORDER</u>
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16	Petitioner, a state prisoner proceeding pro se, has filed this application for a writ
17	of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States
18	Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.
19	On December 13, 2011, the magistrate judge filed findings and recommendations
20	herein which were served on all parties and which contained notice to all parties that any
21	objections to the findings and recommendations were to be filed within fourteen days.
22	Respondent has filed objections to the findings and recommendations to which petitioner has
23	filed a reply.
24	In accordance with the provisions of 28 U.S.C. § $636(b)(1)(C)$ and Local Rule
25	304, this court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the
26	entire file, the court finds the findings and recommendations to be supported by the record and by
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1 proper analysis. 2 Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations filed December 13, 2011, are adopted in full; 2. Respondent's motion to dismiss, filed on June 27, 2011 (docket # 23), is denied; and 3. Respondent is directed to file an answer as to claim 1 within sixty (60) days and thereafter, within sixty days, petitioner is directed to file any reply/traverse. DATED: February 22, 2012 (s/ John A. Mendez UNITED STATES DISTRICT COURT JUDGE INITED STATES DISTRICT COURT JUDGE
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