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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN M. TIDWELL, SR.,  
Petitioner,  
v.  
WILLIAM KNIPP, et al.,  
Respondents.

No. 2:11-cv-0489 KJM CKD P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 18, 2013, the magistrate judge filed findings and recommendations, 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 presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having carefully reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed April 18, 2013, are adopted in full;
2. Respondent's August 24, 2012, motion to dismiss this action as time-barred (ECF No. 18) is denied; and
3. Respondent is directed to file an answer to petitioner's habeas petition within sixty days from the date of this order.

DATED: August 28, 2013.

  
UNITED STATES DISTRICT JUDGE