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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NICOLA CHRISTOPHER BUCCI,
Petitioner,
v.
TIMOTHY E. BUSBY,
Respondent.

No. 2:11-cv-3147-GEB-KJN-P

ORDER

Petitioner, a state prisoner proceeding through counsel, 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 August 27, 2014, 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.

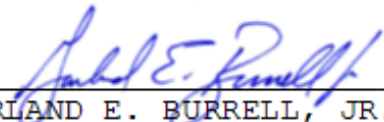
The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed August 27, 2014, are adopted in full; and
2. Respondent’s motion to dismiss (ECF No. 27) is granted as to claims 3, 5, 6, and 8 on

1 grounds that they are barred by the statute of limitations and procedurally barred; respondent's
2 motion to dismiss claim 7 is denied without prejudice; and petitioner shall file a second amended
3 petition raising claims 1, 2, and 4 only within thirty days from the date of this order.

4 Dated: October 30, 2014

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