IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS L. GOFF,

Petitioner, No. 2:11-cv-3251 WBS AC P

vs.

M. SALINAS, Warden,

Respondent. ORDER

_____/

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 March 11, 2013, 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. 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 March 11, 2013, are adopted in full;

2. Respondent's motion to dismiss (ECF No. 16) is denied in part and granted in part, as follows:

a. Denied on the ground that the petition is untimely; and

b. Granted as to the following claims on the ground that they do not allege facts that, if proven, would constitute violations of due process: claims 2, 4, 5, 6 and that portion of claim 3 which alleges that an investigative employee or other staff assistant was not at the disciplinary hearing; and

3. This petition proceeds only as to claim 1 and that portion of claim 3 which alleges that no witnesses were present at his [petitioner's] disciplinary hearing.

DATED: April 8, 2013

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

/goff3251.805hc