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

ELBERT BROWN,

Petitioner,

No. 2:12-cv-00217 MCE GGH P

v.

PEOPLE OF THE STATE OF
CALIFORNIA,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, 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 15, 2012, the Magistrate Judge filed findings and recommendations herein (ECF No. 14) 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.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (ECF No. 14) filed August 15, 2012, are ADOPTED IN FULL;
2. The motion to dismiss (ECF No. 7) is GRANTED and claim one is stricken as unexhausted and this petition shall continue solely on claim two; and
3. Respondent shall file an answer to claim two within 60 days.

Dated: October 16, 2012



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE