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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	RODNEY NAPIER,	No. 2:12-cv-01521 JAM DAD P
12	Petitioner,	
13	v.	ORDER
14	GARY SWARTHOUT,	
15	Respondent.	
16		
17	Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas	
18	corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate	
19	Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
20	On June 13, 2013, the magistrate judge filed findings and recommendations herein which	
21	were served on all parties and which contained notice to all parties that any objections to the	
22	findings and recommendations were to be filed within fourteen days. Respondent has filed	
23	objections to the findings and recommendations, and petitioner has filed a reply.	
24	In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this	
25	court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the entire file, the	
26	court finds the findings and recommendations to be supported by the record and by proper	
27	analysis.	
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1	Accordingly, IT IS HEREBY ORDERED that:
2	1. The findings and recommendations filed June 13, 2013, are adopted in full;
3	2. Respondent's September 26, 2012 motion to dismiss (ECF No. 17) is denied;
4	3. Respondent shall file and serve an answer within thirty days from the service of this
5	order and petitioner's traverse shall be filed and served thirty days thereafter.
6	DATED: July 31, 2013
7	/s/ John A. Mendez
8	UNITED STATES DISTRICT COURT JUDGE
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