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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LUIS AMPARAN RODRIGUEZ,  
Petitioner,  
v.  
DAVE DAVEY,  
Respondent.

No. 2:12-cv-2260 TLN GGH P

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 October 6, 2015, 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. (ECF No. 69.) Neither party has filed objections to the findings and recommendations.

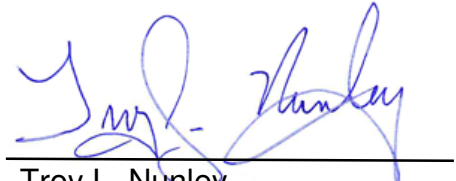
The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 6, 2015 are adopted;
2. Respondent’s motion to dismiss (ECF No. 56) is denied with the exception of the

1 judicial notice sub-claim of Claim 2; and

2 3. Respondent is directed to file an answer to the amended petition (ECF No. 37) within  
3 sixty days; and Petitioner's reply, if any, shall be filed and served within thirty days after the  
4 service of the answer.

5 Dated: December 4, 2015



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Troy L. Nunley  
United States District Judge

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