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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOSE G. DIAZ,  
Petitioner,  
v.  
TIM PEREZ,  
Respondent.

No. 2:12-cv-2616-MCE-CMK-P

**ORDER**

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On August 8, 2016, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. No objections to the findings and recommendations have been filed.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and y the Magistrate Judge’s analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed August 8, 2016, are adopted in full;
2. Respondent’s motion to dismiss (Doc. 24) is granted;

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- 3. Claims 1, 2, and 3 in the petition are dismissed; and
- 4. Respondent shall file a response to the remaining claim (Claim 4) in the petition within 30 days.

IT IS SO ORDERED.

Dated: September 20, 2016

  
MORRISON C. ENGLAND, JR  
UNITED STATES DISTRICT JUDGE