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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH TERRELL JOHNSON,  
Petitioner,  
v.  
SOTO, Warden,  
Respondents.

No. 2:12-cv-2887 MCE DAD P

**ORDER**

Petitioner, a state prisoner proceeding through counsel, 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 25, 2013, the Magistrate Judge filed findings and recommendations herein, ECF No. 28, 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. Accordingly, IT IS HEREBY ORDERED that:


1. The Findings and Recommendations, October 25, 2013, ECF No. 28, are ADOPTED IN FULL;
2. Respondent’s Motion to Dismiss, ECF No. 19, is DENIED;

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- 3. Petitioner’s request to deem Ground 5 of the petition stricken, ECF No. 24, is GRANTED;
- 4. Petitioner’s request to amend the petition limited to the four exhausted claims in order to bring the petition into conformance with the rules, procedures, and general expectations of the court, ECF No. 24, is GRANTED; and
- 5. Petitioner is directed to file an amended petition within thirty (30) days.

IT IS SO ORDERED.

Dated: December 10, 2013

  
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MORRISON C. ENGLAND, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT