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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MATTHEW MULLEN,
Petitioner,
v.
R. E. BARNES,
Respondent.

No. 2:13-cv-00165-MCE-EFB P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this 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 April 30, 2015, the magistrate judge filed Findings and Recommendations herein (ECF No. 18), which were served on all parties and which contained notice that any objections to the Findings and Recommendations were to be filed within fourteen days. Neither party timely filed objections to the Findings and Recommendations.

On July 21, 2015, the Court adopted the Findings and Recommendations and denied petitioner’s application for a writ of habeas corpus. ECF No. 20. On July 27, 2015, however, Petitioner filed objections to the Findings and Recommendations, along with a request for leave to file those untimely objections. ECF Nos. 22 and 23.

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1 In an abundance of caution, the July 21, 2015 Order adopting the Findings and
2 Recommendations (ECF No. 20) is hereby VACATED. The Court now reconsiders the Findings
3 and Recommendations in light of Petitioner's objections. See Fed. R. Civ. P. 59(e) and 60(b).


4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
5 Court has conducted a de novo review of this case, including Petitioner's objections to the
6 Findings and Recommendations of the magistrate judge. Having carefully reviewed the entire
7 file, the Court finds the Findings and Recommendations to be supported by the record and by
8 proper analysis.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The Court's July 21, 2015 Order (ECF No. 20) is VACATED;
- 11 2. The Findings and Recommendations filed April 30, 2015 (ECF No. 18) are
12 ADOPTED IN FULL;
- 13 3. Petitioner's application for a writ of habeas corpus (ECF No. 1) is DENIED;
- 14 4. The Clerk of the Court is directed to close this action; and
- 15 5. The Court declines to issue a certificate of appealability.

16 IT IS SO ORDERED.

17 Dated: July 29, 2015

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