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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN PAUL JONES MURPHY,
Petitioner,
v.
M. McDONALD, Warden, et al.,
Respondents.

No. 2:13-cv-0710 GEB AC 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 December 6, 2013, 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 twenty-one days. Petitioner has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

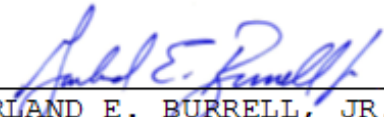
1. The findings and recommendations filed December 6, 2013, are adopted in full;

2. Respondent's motion to dismiss (ECF No. 12) is granted as to petitioner's Eighth Amendment claim (Ground One), which is not cognizable in habeas, and denied in all other respects;

3. Petitioner's motion regarding conditions of his housing (ECF No. 18) is denied as moot.

4. Respondent is directed to file an answer within thirty days of the date on which this order is filed.

Dated: January 22, 2014



GARLAND E. BURRELL, JR.
Senior United States District Judge