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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES K. GIANNINI,
Petitioner,
v.
R. J. RACKLEY, Warden, et al.,
Respondents.

No. 2:14-cv-0472-TLN-EFB 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 June 26, 2014, the magistrate judge filed findings and recommendations herein which were served on Petitioner and which contained notice to Petitioner that any objections to the findings and recommendations were to be filed within fourteen 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.

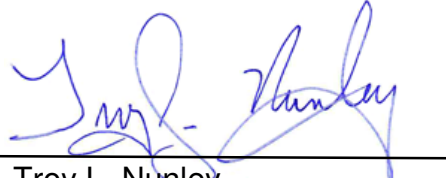
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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed June 26, 2014, are adopted in full;
2. The application for a writ of habeas corpus is dismissed without prejudice for failure to exhaust state remedies;
3. The Clerk is directed to serve a copy of this order, together with a copy of the petition filed on February 13, 2014, on Michael Patrick Farrell, Senior Assistant Attorney General for the State of California; and
4. The Court declines to issue a certificate of appealability.

Dated: August 15, 2014



Troy L. Nunley
United States District Judge