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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD JOSEPH PEREIRA,
Petitioner,
v.
GARY SWARTHOUT,
Respondent.

No. 2:14-cv-0530 KJM AC P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 24, 2017, the magistrate judge filed findings and recommendations, 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 ten days. ECF No. 38. Petitioner has filed objections to the findings and recommendations. ECF No. 39.


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 reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

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- 1 1. The findings and recommendations filed February 24, 2017 (ECF No. 38), are adopted
2 in full;
- 3 2. Respondent's motion to dismiss (ECF No. 34) is granted in part and Grounds 1-3 and
4 5-8 in petitioner's first amended petition for writ of habeas corpus are dismissed as unexhausted;
- 5 3. The case shall proceed on Ground 4 of the first amended petition;
- 6 4. Respondent is directed to file an answer to Ground 4 of petitioner's habeas petition
7 within sixty days from the date of this order. *See* Rule 4, 28 U.S.C. foll. § 2254. An answer shall
8 be accompanied by all transcripts and other documents relevant to the issues presented in the
9 petition. *See* Rule 5, 28 U.S.C. foll. § 2254;
- 10 5. Petitioner's reply, if any, shall be filed and served within thirty days after service of the
11 answer; and
- 12 6. This case is referred back to the assigned magistrate judge for further proceedings.

13 DATED: March 23, 2017.

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17 UNITED STATES DISTRICT JUDGE
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