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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY C. GRIFFIN,
Petitioner,
v.
F. FOULK,
Respondent.

No. 2:14-cv-0837 TLN 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 September 12, 2014, 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. Respondent has filed objections to the findings and recommendations. (ECF No. 19.) Petitioner has filed a reply to the objections. (ECF No. 20.)

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

1 analysis.¹

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed September 12, 2014 (ECF No. 16) are
4 adopted in full;

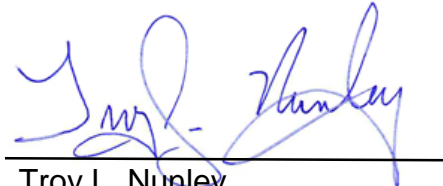
5 2. Respondent's motion to dismiss (ECF No. 13) is denied;

6 3. Respondent is ordered to file an answer to the petition within sixty days from the date
7 of this order; and

8 4. The Court declines to issue the certificate of appealability referenced in 28 U.S.C.
9 § 2253.

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11 IT IS SO ORDERED.

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13 Dated: February 26, 2015

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16 Troy L. Nunley
17 United States District Judge

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26 _____
27 ¹ Petitioner's reply raises new arguments that the statute of limitations did not begin to run until
28 September 11, 2012 and, in the alternative, that the statute of limitations should be subject to
equitable tolling. (ECF No. 20 at 3–8.) While the first theory may have merit, the Court need not
reach either argument because the grounds for denying the motion to dismiss, as set forth in the
findings and recommendations (ECF No. 16), are adequate and sufficient.