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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

COREY JEROME ELDER,  
Petitioner,  
v.  
GARY SWARTHOUT,  
Respondent.

No. 2:14-cv-0892 WBS DAD 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 August 10, 2015, the magistrate judge filed findings and recommendations that were served on petitioner and contained notice 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 August 10, 2015, are adopted in full.

2. The petition for writ of habeas corpus (ECF No. 1) is dismissed with leave to file a complaint in this case under the Civil Rights Act, 42 U.S.C. § 1983.

3. The court declines to grant the certificate of appealability referenced in 28 U.S.C. § 2253.

4. Petitioner is granted thirty days from the date of this order in which to file a complaint for alleged violations of his civil rights under 42 U.S.C. § 1983 or a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1) if he chooses to do so.

Dated: September 9, 2015

  
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WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE