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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NEANO MITCHELL,
Petitioner,
v.
JOHN SOTO,
Respondent.

No. 2:14-cv-1438 TLN GGH 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 September 24, 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 not filed objections to the findings and recommendations.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed September 24, 2014, are adopted in full;
2. Plaintiff’s motion for reconsideration, filed September 8, 2014, construed as a motion

1 for relief from judgment pursuant to Rule 60(b), (ECF No. 8), is granted;

2 3. The order of dismissal and judgment entered August 22, 2014, is vacated; and

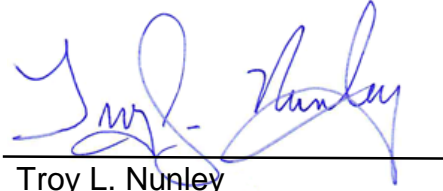
3 4. This action shall proceed with service of the petition.

4 Dated: October 3, 2014

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Troy L. Nunley
United States District Judge

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