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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID TUGGLE,

 Petitioner,

 v.

M.E. SPEARMAN, Warden,

 Respondent.

No. 2:14-cv-1680 KJM DAD P

ORDER

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

On April 6, 2015, 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 fourteen days. Neither party has filed objections to the findings and recommendations and respondent has affirmatively notified the court that he will not file objections. *See* ECF No. 17.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed

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

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed April 6, 2015, are adopted;
- 5 2. Respondent's motion to dismiss (Doc. No. 10) is denied; and
- 6 3. Within sixty days of the date of this order, respondent is directed to file an answer to
7 petitioner's habeas petition, together with all transcripts and other documents relevant to the issues
8 presented in the petition.

9 DATED: May 27, 2015.

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11 UNITED STATES DISTRICT JUDGE
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