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| 7   |                                                                                                      |                                                    |
| 8   | IN THE UNITED ST                                                                                     | TATES DISTRICT COURT                               |
| 9   | FOR THE EASTERN DISTRICT OF CALIFORNIA                                                               |                                                    |
| 10  |                                                                                                      |                                                    |
| 11  | JERMAINE ROBERT BLAIR,                                                                               | No. 2:14-CV-2161-GEB-CMK-P                         |
| 12  | Petitioner,                                                                                          |                                                    |
| 13  | v.                                                                                                   | ORDER                                              |
| 14  | MONTGOMERY,                                                                                          |                                                    |
| 15  | Respondent.                                                                                          |                                                    |
| 16  |                                                                                                      |                                                    |
| 17  | Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of                   |                                                    |
| 18  | habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States               |                                                    |
| 19  | Magistrate Judge pursuant to Eastern District of California local rules.                             |                                                    |
| 20  | On August 18, 2015, the Magistrate Judge filed findings and recommendations                          |                                                    |
| 21  | herein which were served on the parties and which contained notice that the parties may file         |                                                    |
| 22  | objections within a specified time. Timely of                                                        | bjections to the findings and recommendations have |
| 23  | been filed.                                                                                          |                                                    |
| 24  | In accordance with the provisi                                                                       | ons of 28 U.S.C. § 636(b)(1)(C) and Local Rule     |
| 25  | 304(f), this court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the |                                                    |
| 26  | entire file, the court finds the findings and recommendations to be supported by the record and by   |                                                    |
| 27  | proper analysis.                                                                                     |                                                    |
| 28  | ///                                                                                                  |                                                    |
|     |                                                                                                      | 1                                                  |

| 1  | Accordingly, IT IS HEREBY ORDERED that:                                        |                                                                        |
|----|--------------------------------------------------------------------------------|------------------------------------------------------------------------|
| 2  | 1.                                                                             | The findings and recommendations filed August 18, 2015, are adopted in |
| 3  | full;                                                                          |                                                                        |
| 4  | 2.                                                                             | Respondent's motion to dismiss (Doc. 14) is granted;                   |
| 5  | 3.                                                                             | Claims two, three, and four are dismissed as untimely; and             |
| 6  | 4.                                                                             | Respondent is directed to file an answer to claim one in petitioner's  |
| 7  | petition for a writ of habeas corpus within 30 days of the date of this order. |                                                                        |
| 8  | Dated: September 18, 2015                                                      |                                                                        |
| 9  |                                                                                |                                                                        |
| 10 |                                                                                | Ambel E. Fundlik                                                       |
| 11 |                                                                                | GARLAND E. BURRELL, JR.<br>Senior United States District Judge         |
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