

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

OLIE EUGENE HENDRICKS,
Petitioner,
v.
DAVID LONG,
Respondent.

No. 2:15-cv-0564 GEB AC P
ORDER and
AMENDED JUDGMENT

Petitioner is a state prisoner proceeding pro se with an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Following this court’s order and entry of judgment on October 22, 2015, the court received petitioner’s motion for an extension of time, ECF No. 23, within which to file his objections to the magistrate judge’s findings and recommendations filed September 25, 2015. Petitioner filed his objections, ECF No. 24, contemporaneously with his motion for extended time. Accordingly, the court vacates its order and judgment entered October 22, 2015, grants petitioner’s request for extended time, and considers the substance of petitioner’s objections.

The screening of the petition was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. On September 22, 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

1 days. Petitioner has now filed objections to the findings and recommendations.

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
3 court has conducted a de novo review of this case, including consideration of petitioner's newly-
4 filed objections. Having carefully reviewed the entire file, the court finds that the findings and
5 recommendations are supported by the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. This court's order and judgment entered October 2, 2015, ECF Nos. 26, 27, are
8 vacated.

9 2. Petitioner's motion for extended time, ECF No. 23, is granted.

10 3. The findings and recommendations filed September 25, 2015, are adopted in full.

11 4. This action is dismissed with prejudice for failure to state a cognizable claim and
12 because duplicative of Case No. 2:15-cv-0768 MCE AC P (which was dismissed with prejudice
13 on June 12, 2015).

14 5. The Clerk of the Court is directed to close this case.

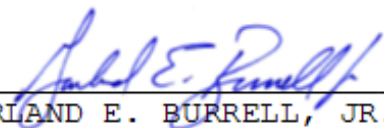
15 6. The court declines to issue the certificate of appealability referenced in 28 U.S.C.
16 § 2253.

17 Dated: November 12, 2015

18

19

20



GARIAND E. BURRELL, JR.
Senior United States District Judge

21

22

23

24

25

26

27

28