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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL MARKS,
Petitioner,
v.
SCOTT FRAUENHEIM,
Respondent.

No. 2:15-cv-0665 JAM DB P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this 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 July 31, 2018, the magistrate judge filed findings and recommendations herein 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. (ECF No. 38.) Petitioner has filed objections to the findings and recommendations. (ECF No. 39.)

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 July 31, 2018, are adopted in full;
2. Petitioner’s motion for a certificate of appealability (ECF No. 36) is construed as a Rule 59(e) motion and is denied; and
3. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

October 24, 2018

John A. Mendez
United States District Court Judge