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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOSHUA DANIEL MILLS,  
Petitioner,  
v.  
SUZANNE M. PEERY,  
Respondent.

No. 2:15-cv-1038-TLN-CMK-P

**ORDER**

Petitioner, a state prisoner represented by counsel, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On December 1, 2015, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. (ECF No. 16.) Petitioner filed timely objections to the findings and recommendations. (ECF No. 20.)

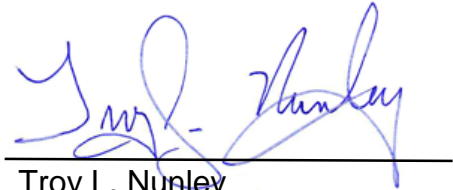
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed December 1, 2015, are adopted in full;
2. Respondent's Motion to Dismiss (ECF No. 11) is granted in part;
3. Claim three, challenging the 2002 plea conviction, presented for the second time, is dismissed;
4. This action shall continue as to claims one, two and four of the petition; and
5. As respondent has filed an answer to the petition, petitioner's traverse, if any, shall be filed within 30 days of the date of this order.

Dated: February 22, 2016



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Troy L. Nunley  
United States District Judge