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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD C. RODRIGUEZ,
Petitioner,
v.
JOE LIZZARAGA,
Respondent.

No. 2:15-cv-1154 JAM DB

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a petition for 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 October 4, 2016, 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. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 4, 2016, are adopted in full; and
2. Respondent’s motion to dismiss (ECF No. 17) based on petitioner’s failure to state a cognizable claim is granted as to claim 1 and denied as to claim 6.

DATED: January 18, 2017

/s/John A. Mendez

UNITED STATES DISTRICT COURT JUDGE