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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES DAVID FISCHER,
Petitioner,
v.
STU SHERMAN,
Respondent.

No. 2:15-cv-1196 CKD P

ORDER

On June 8, 2015, the undersigned magistrate judge recommended that the petition be dismissed without prejudice, and directed the assignment of a district judge to review this recommendation. (ECF No. 4.) However, court records reveal that petitioner has filed a notice of consent to the jurisdiction of the undersigned magistrate judge for all purposes. 28 U.S.C. §636(c); Local Rule 302. (ECF No. 5.) As no respondent has been served, petitioner is the only party to this action. Having reviewed the docket, the undersigned concludes there is no basis for modifying its prior conclusion that this action should be dismissed.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of Court is directed to: (a) redesignate the undersigned’s findings and recommendations filed June 8, 2015 as an order; and (b) withdraw the assignment of a district judge to this action; and

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2. For the reasons stated in this court's order filed June 8, 2015, this action is dismissed without prejudice pursuant to Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254.

Dated: June 23, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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