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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

AARON MONTGOMERY,  
  
                                Petitioner,  
  
                  v.  
  
S. PEERY,  
  
                                Respondent.

No. 2:15-cv-1220 KJM AC P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 21, 2020, 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 twenty-one days. ECF No. 53. Petitioner has filed objections to the findings and recommendations, but has not explained why his petition should not be dismissed for failure to prosecute. ECF No. 54.

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 reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

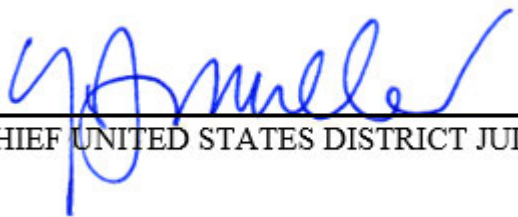
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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 21, 2020, are adopted in full;
2. Petitioner's petition for writ of habeas corpus (ECF No. 1) is dismissed without prejudice for failure to prosecute; and
3. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

DATED: March 17, 2021.

  
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CHIEF UNITED STATES DISTRICT JUDGE