UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSHUA BLOCKER,

Petitioner,

v.

J. SOTO, Warden,

Respondent.

No. 2:15-cv-1416 KJM KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an 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 March 9, 2017, 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 fourteen days. No objections were timely filed, and the findings and recommendations were adopted in full. (ECF No. 38.) However, on April 6, 2017, the undersigned vacated the judgment, and petitioner was granted an extension of time to file objections. Petitioner was cautioned that no further extensions of time would be granted. Despite receiving additional extensions of time, petitioner did not file objections to the findings and recommendations by the November 28, 2017 deadline. Neither has respondent.

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The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed March 9, 2017, are adopted in full;

2. Respondent's October 7, 2015 motion to dismiss (ECF No. 13) is granted;

3. This action is dismissed as barred by the statute of limitations; and

4. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

DATED: May 24, 2018.

UNITED STATES DISTRICT JUDGE