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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID KONEPACHIT,  
Petitioner,  
v.  
DAVID DAVEY,  
Respondent.

No. 2:16-cv-0454 JAM CKD P

ORDER

On April 24, 2017, petitioner, proceeding pro se, filed a motion asking that the court vacate judgment and allow him to file objections to the magistrate judge’s September 16, 2016 findings and recommendations. Good cause appearing, that request will be granted and the court will consider the objections filed by petitioner.

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 including the objections identified by petitioner in his April 24, 2017 motion. Having carefully reviewed the entire file, the court finds the September 16, 2016 findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner’s motion to vacate (ECF No. 14) is granted.
2. Judgment entered November 30, 2016 is vacated.
3. After considering petitioner’s April 24, 2017 objections, the magistrate judge’s September 16, 2016 findings and recommendations are again adopted in full.
4. Petitioner’s application for a writ of habeas corpus is denied.
5. This case is closed.
6. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

Dated: June 26, 2017

/s/ John A. Mendez  
United States District Court Judge