Case 2:16-cv-00856-KJM-CKD Document 56 Filed 09/08/20 Page 1 of 2 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 VINCENT RIVERA, No. 2:16-cv-0856 KJM CKD P 12 Petitioner, 13 **ORDER** v. 14 S. PEERY, 15 Respondent. 16 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas 17 18 corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as 19 provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On January 29, 2020, the magistrate judge filed findings and recommendations, which 21 were served on all parties and which contained notice to all parties that any objections to the 22 findings and recommendations were to be filed within fourteen days. Neither party has filed 23 objections to the findings and recommendations. 24 The court presumes that any findings of fact are correct. See Orand v. United States, 25 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed 26 de novo. See Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law 27 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court 28 ///// 1

	Case 2:16-cv-00856-KJM-CKD Document 56 Filed 09/08/20 Page 2 of 2
1	"). Having reviewed the file, the court finds the findings and recommendations to be
2	supported by the record and by the proper analysis.
3	Accordingly, IT IS HEREBY ORDERED that:
4	1. The findings and recommendations filed January 29, 2020, are adopted in full;
5	2. Respondent's motion to dismiss (ECF No. 45) is granted;
6	3. All claims appearing in petitioner's second amended petition for writ of habeas corpu
7	except part 1 of claim 2 and claim 4 are dismissed; and
8	4. Respondent shall file an answer concerning the remaining claims within 30 days.
9	DATED: September 7, 2020.
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