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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRITZ ALFREDO ERHARDT,  
Petitioner,  
v.  
RAYTEHL FISHER, JR.,  
Respondent.

No. 2:16-cv-1002 JAM KJN P

ORDER

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

On January 27, 2017, the magistrate judge filed findings and recommendations herein 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. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed January 27, 2017, are adopted in full.
2. Respondent’s motion to dismiss (ECF No. 13) is granted;

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3. The Clerk of the Court is directed to strike petitioner's fourth ground from the petition (ECF No. 1 at 10, 24); and

4. Respondent is ordered to file a responsive pleading to grounds one through three of the petition within sixty days from the filed date of this order.

DATED: March 29, 2017

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE