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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TYREA KINTE HICKS, Petitioner, v. E. ARNOLD, Respondent.	No. 2:16-cv-1142 TLN CKD P <u>ORDER</u>
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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 June 28, 2016, the magistrate judge filed findings and recommendations herein, which were served on Petitioner and which contained notice to Petitioner that he could file objections thereto. The time allotted for the filing of objections has expired and Petitioner has not filed objections.

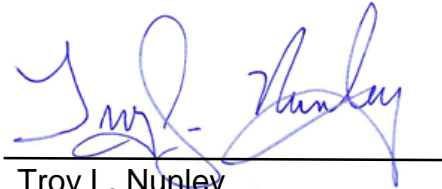
The Court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the Court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

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed June 28, 2016, are adopted in full;
2. This action is dismissed without prejudice; and
3. The Court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

Dated: October 12, 2016



Troy L. Nunley
United States District Judge