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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID B. DAVIS,  
Petitioner,  
v.  
MARTIN FRINK,  
Respondent.

No. 2:16-cv-1159-GEB-EFB P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this 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 February 7, 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. Petitioner has filed objections to the findings and recommendations.

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. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

In his objections, petitioner states that he wishes to delete his ineffective assistance of

1 counsel claim and proceed with the remaining claims.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed February 7, 2017, are adopted in full;

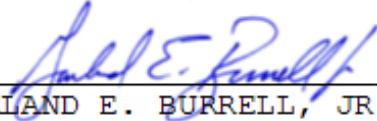
4 2. Respondent's July 29, 2016 motion to dismiss (ECF No. 15) is granted in part such  
5 that petitioner's ground four for relief (alleging ineffective assistance of counsel) is  
6 dismissed and the petition is deemed amended to delete that claim.

7 Dated: March 29, 2017

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GARLAND E. BURRELL, JR.  
Senior United States District Judge

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