UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

OLIVER GRAY,

Petitioner,

v.

W.L. MUNIZ,

Respondent.

No. 2:16-cv-1577 JAM KJN P

ORDER

Petitioner, a state prisoner proceeding through counsel, 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 November 30, 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. Respondent filed objections to the findings and recommendations; petitioner filed a response.

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.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed November 30, 2017, are adopted in full;

2. Respondent's motion to dismiss (ECF No. 24) is denied;

3. Respondent is directed to file a responsive pleading within thirty days from the date of this order; and

4. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

DATED: March 19, 2018

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE