

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENNIS PETILLO, JR.,  
  
                                Petitioner,  
  
                v.  
  
FEDERAL BUREAU OF  
INVESTIGATION (“FBI”),  
  
                                Respondent.

No. 2:16-cv-2586 WBS KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, 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 December 21, 2016, petitioner consented to proceed before the undersigned for all purposes. See 28 U.S.C. § 636(c).

On December 7, 2016, the undersigned filed findings and recommendations herein which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner filed objections to the findings and recommendations. During the pendency of the recommendations, petitioner consented to the jurisdiction of the undersigned.

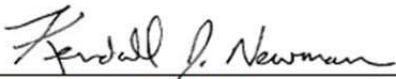
The undersigned reviewed the entire file, and finds the findings and recommendations to be supported by the record and by proper analysis.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court shall remove the assignment to the district judge;
2. The findings and recommendations filed December 7, 2016, are adopted in full;
3. The petition is dismissed without prejudice, and this case closed; and
4. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

Dated: December 27, 2016

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

/peti2586.804hc