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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALONZO McKINNEY,  
Petitioner,  
v.  
WARREN L. MONTGOMERY,  
Respondent.

No. 2:17-cv-00581-JAM-GGH

ORDER

Petitioner is proceeding pro se and in forma pauperis in this habeas matter which was assigned to the magistrate judge pursuant to eastern District of California Local Rule 302(c)(17). On April 3, 2018 the magistrate issued Findings and Recommendations recommending that Respondent’s Motion to Dismiss be granted or in the alternative a summary denial be entered and that the petition should be dismissed with prejudice and no certificate of appealability be issued. ECF No. 28. The parties were granted twenty-one (21) days to object and were cautioned that failure to file objections within that time may waive the right to appeal the District Court’s Order. Id. Petitioner filed objections on April 18, 2018. ECF No. 29.

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 reviewed the file and the magistrate judge’s findings and recommendations the court ADOPTS the findings and recommendations in full.

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Accordingly, IT IS HEREBY ORDERED that:

1. Respondent’s Motion to Dismiss, ECF No. 22, is granted, insofar as petitioner’s 2003 conviction is concerned;
2. A dismissal based on successive petition shall be entered;
3. The petition is dismissed with prejudice;
4. No Certificate of Appealability is to be issued;
5. The Clerk of the Court shall close this file.

**IT IS SO ORDERED.**

DATED: June 5, 2018

/s/ John A. Mendez  
UNITED STATES DISTRICT COURT JUDGE