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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROLANDO ARISMENDEZ,  
Petitioner,

v.

DAVID BAUGHMAN,  
Respondent.

No. 2:17-cv-00792 MCE CKD P

ORDER

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 May 7, 2018, 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. Neither party has filed objections to the findings and recommendations.

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 School 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 May 7, 2018 (ECF No. 17), are ADOPTED in full;
2. Respondent's motion to dismiss, ECF No. 12, is GRANTED.
3. Petitioner's motion to voluntarily dismiss the unexhausted claims in his federal habeas corpus application, ECF No. 15, is DENIED as moot.
4. Petitioner's federal habeas corpus application, ECF No. 1, is DISMISSED without prejudice to filing an amended petition within 30 days on the court approved form.
5. Any amended petition must be filed on the form employed by this court and must state all claims and prayers for relief on the form. It must bear the case number assigned to this action and must contain the title "Amended Petition."
6. The Clerk of the Court is directed to send petitioner a new habeas corpus application form.

IT IS SO ORDERED.

Dated: June 13, 2018

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE