

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The findings and recommendations filed January 26, 2021 (ECF No. 20) are adopted;
- 3 2. Respondent's motion to dismiss the petition (ECF No. 16) is granted;
- 4 3. This action is dismissed as untimely; and
- 5 4. The court declines to issue the certificate of appealability referenced in 28 U.S.C. §
6 2253 for the reasons set forth in the findings and recommendations.

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9 DATED: April 26, 2021

/s/ John A. Mendez

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THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE

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