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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALBERT ZACCARDI,
Petitioner,
v.
E. ARNOLD,
Respondent.

No. 2:17-cv-1405 MCE KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, has 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 May 23, 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. ECF No. 25. Respondent has filed objections to the findings and recommendations. ECF No. 26.

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 May 23, 2018, ECF No. 25, are ADOPTED IN FULL;

2. Respondent's motion to dismiss (ECF No. 20) is GRANTED in part and DENIED in part:


a. Petitioner's second claim is DISMISSED as barred by the statute of limitations;

b. Respondent's motion to dismiss petitioner's Eighth Amendment claim (claim one) is DENIED;

3. Within 30 days from the date of this order adopting the findings and recommendations, Respondent shall file an answer to petitioner's Eighth Amendment claim (claim one).

IT IS SO ORDERED.

Dated: July 5, 2018


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE