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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNATHAN ALLAN BAKER,
Petitioner,
v.
CLARK DUCART,
Respondent.

No. 2:17-cv-01812-GEB-GGH

ORDER

Petitioner is proceeding pro se and in forma pauperis in this matter which was assigned to the magistrate judge pursuant to eastern District of California Local Rule 302(c)(17). On October 31, 2017 the magistrate issued Findings and Recommendations that Respondent’s Motion to Dismiss for lack of jurisdiction, ECF No.5, be denied as moot, and Ordered that a Motion to vacate the case assignment reflected in ECF No. 9 was denied as unnecessary. ECF No. 13. The parties were granted fourteen (14) days to object. No objections have been filed.

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,.

Accordingly, IT IS HEREBY ORDERED that:

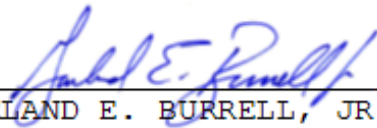
1. Respondent’s Motion to Dismiss is DENIED;

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2. In accordance with the Magistrate's Finding and Recommendations, Respondent shall file a response to the Petition within 30 days of this Order.

IT IS SO ORDERED.

Dated: November 30, 2017



GARLAND E. BURRELL, JR.
Senior United States District Judge