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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	JIMMY LEE BENSON,	No. 2:17-cv-1881 MCE KJN P
12	Petitioner,	
13	V.	<u>ORDER</u>
14	M.E. SPEARMAN,	
15	Respondent.	
16		
17	Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas	
18	corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate	
19	Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
20	On April 4, 2018, the magistrate judge filed findings and recommendations herein which	
21	were served on all parties and which contained notice to all parties that any objections to the	
22	findings and recommendations were to be filed within fourteen days. Neither party has filed	
23	objections to the findings and recommendations.	
24	The court has reviewed the file and finds the findings and recommendations to be	
25	supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY	
26	ORDERED that:	
27	1. The findings and recommendations filed April 4, 2018, are ADOPTED in full.	
28	2. Respondent's motion to dismiss (ECF No. 13) is partially GRANTED;	
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1	3. This action is DISMISSED without prejudice;	
2	4. The court declines to issue the certificate of appealability referenced in 28 U.S.C.	
3	§ 2253; and	
4	5. The Clerk of the Court is directed to close this case.	
5	IT IS SO ORDERED.	
6	Dated: May 3, 2018	
7	Macan 18. 1.	
8	MORRISON C. ENGLAND, JR UNITED STATES DISTRICT JUDGE	
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