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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFERY JOHN MILLS,
Petitioner,
v.
RONALD DAVIS,
Respondent.

No. 2:17-cv-2195 WBS DB
DEATH PENALTY CASE
ORDER

Petitioner, a condemned state prisoner, 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 March 18, 2019, 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 has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed March 18, 2019 (ECF No. 31) are adopted in full;


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2. Petitioner’s motion to amend (ECF No. 26) is granted in part;

3. Petitioner is entitled to equitable tolling of the statute of limitations for the time period of the partial and temporary government shutdowns, amounting to 56 days; and

4. Respondent shall not file an answer until after the statute of limitations, considering the periods of equitable tolling, has expired.

Dated: April 16, 2019



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

DLB:9/mills eq toll,jo