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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM HOLT BAYMILLER,

Petitioner,

v.

PEOPLE OF THE STATE OF
CALIFORNIA, et al.,

Respondents.

No. 2: 17-cv-2458 MCE KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, 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 January 05, 2023, 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 filed objections to the findings and recommendations.¹

The Court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo.

¹ On February 6, 2023, the findings and recommendations served on plaintiff were returned as undeliverable because plaintiff is deceased.

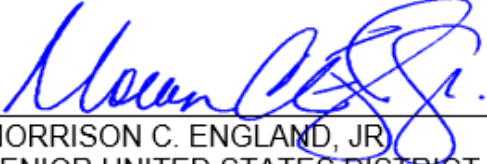
1 See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). The Court has
2 reviewed the file and finds the findings and recommendations to be supported by the record and
3 by the magistrate judge's analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The findings and recommendations filed January 05, 2023 are ADOPTED in full;
- 6 2. This action is DISMISSED for failure to prosecute;
- 7 3. The court declines to issue the certificate of appealability referenced in 28 U.S.C. §
8 2253; and
- 9 4. The clerk of the Court is directed to close this case.

10 IT IS SO ORDERED.

11 Dated: February 11, 2023

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14 MORRISON C. ENGLAND, JR.
15 SENIOR UNITED STATES DISTRICT JUDGE
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