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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JIMMY DON SMITH,
Petitioner,
v.
JOE LIZZARAGA,
Respondent.

No. 2:18-CV-0064-KJM-DMC-P

ORDER

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by Eastern District of California local rules.

On February 18, 2021 the Magistrate Judge filed findings and recommendations, which were served on the parties and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.


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. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate]

1 court . . .”). Having reviewed the file, the court finds the findings and recommendations to be
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed February 18, 2021, are adopted in
5 full;
- 6 2. Petitioner’s petition for a writ of habeas corpus, ECF No. 1, is denied;
- 7 3. The Court declines to issue a certificate of appealability; and
- 8 4. The Clerk of the Court is directed to enter judgment and close this file.

9 DATED: April 29, 2021.

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12 CHIEF UNITED STATES DISTRICT JUDGE
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