

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE CORNEJO,  
Petitioner,  
v.  
CHRISTIAN PFEIFFER,  
Respondent.

No. 2:18-cv-0572-MCE-EFB P

ORDER

Petitioner, a state prisoner proceeding through counsel, 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 November 27, 2018, 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 November 27, 2018, (ECF No. 19) are ADOPTED in full;

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

2. Respondent's motion to strike unexhausted claims one and four (ECF No. 12) is GRANTED;


3. Claims one and four are DISMISSED as unexhausted;

4. Respondent is directed to file a response to petitioner's habeas petition addressing the remaining, properly exhausted claims (claims two, three, and five) within sixty days from the date of this order. See Rule 4, Rules Governing § 2254 Cases. An answer shall be accompanied by all transcripts and other documents relevant to the issues presented in the petition. See Rule 5, Fed. R. Governing § 2254 Cases; and

5. Petitioner is directed to file a reply, if any, within thirty days after service of the answer.

IT IS SO ORDERED.

Dated: January 16, 2019

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE