

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
EASTERN DISTRICT OF CALIFORNIA

CHESTER BROWN,

 Petitioner,

 v.

WARREN L. MONTGOMERY,

 Respondent.

No. 2:19-cv-000291-TLN-CKD

ORDER

Petitioner, a state prisoner proceeding pro se, 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 September 26, 2022, 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 twenty-one days. Neither party has filed objections to the findings and recommendations.

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 Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the Court 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 September 26, 2022, are ADOPTED IN

1 FULL.

2 2. The petition is DENIED.

3 3. The Clerk of Court shall close this action.

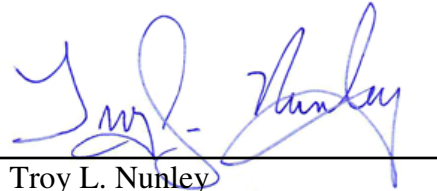
4 4. The Court declines to issue the certificate of appealability referenced in 28 U.S.C. §
5 2253.

6 **DATED: December 15, 2022**

7

8

9



10

Troy L. Nunley
United States District Judge

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28