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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NENG SAYPAO PHA,  
Petitioner,  
v.  
JARED LOZANO,  
Respondent.

No. 2:19-cv-0893 WBS DB P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this 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 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. Petitioner has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis. It appears that petitioner filed a prior federal habeas corpus action challenging the same judgment. The prior petition was denied on the merits on May 19, 2015. See Pha v.

1 Swarthout, 2:13-cv-1133 MCE GGH. It does not appear that petitioner has obtained permission  
2 from the Ninth Circuit to file a successive petition.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed September 18, 2019, are adopted in full;
- 5 2. Respondent's motion to dismiss (ECF No. 14) is granted;
- 6 3. This action is dismissed without prejudice; and
- 7 4. The court declines to issue the certificate of appealability referenced in 28 U.S.C. §  
8 2253.

9 Dated: October 28, 2019



10 WILLIAM B. SHUBB  
11 UNITED STATES DISTRICT JUDGE

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