1 2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 SAM PEREZ, No. 2:19-CV-1223-KJM-DMC-P 12 Petitioner. 13 **ORDER** v. 14 M. ELLIOT SPEARMAN, 15 Respondent. 16 17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of 18 habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate 19 Judge as provided by Eastern District of California local rules. 20 On June 19, 2020, the Magistrate Judge filed findings and recommendations, 21 which were served on the parties and which contained notice that the parties may file objections 22 within the time specified therein. No objections to the findings and recommendations have been 23 filed. 24 The court presumes that any findings of fact are correct. See Orand v. United 25 States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are 26 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] 27 28 ///// 1

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	Accor	dingly, IT IS HEREBY ORDERED that:	
4	1.	The findings and recommendations filed June 19, 2020, are adopted in full	
5	2.	Respondent's motion to dismiss (ECF No. 13) is denied; and	
6	3.	This matter is referred back to the assigned magistrate judge for all further	
7	pretrial proceedings.		
8	DATED: October 15	5, 2020.	
9 10		CHIEF UNITED STATES DISTRICT JUDGE	
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