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

JAMES W. MILLNER,
Petitioner,
v.
SCOTT FRAUENHEIM,
Respondent.

No. 2:19-CV-1311-JAM-DMC

ORDER

Petitioner, a state prisoner proceeding with retained counsel, brings this petition 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 Eastern District of California local rules.

On May 19, 2020, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within the time specified therein. Timely objections to the findings and recommendations have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304(f), 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.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed May 19, 2020, are adopted in full;
2. Respondent's motion to dismiss (ECF No. 11) is denied; and
3. Respondent shall file a response to petitioner's petition within 30 days of the date of this order.

DATED: July 29, 2020

/s/ John A. Mendez_____

UNITED STATES DISTRICT COURT JUDGE