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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDON A. EARLE,
Petitioner,
v.
STU SHERMAN,
Respondent.

No. 2:19-cv-02629 KJM DB P

ORDER

Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 15, 2021, the magistrate judge filed findings and recommendations, 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 thirty 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:

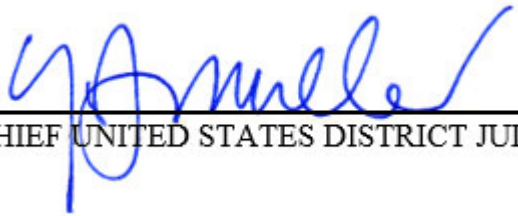
- 1. The findings and recommendations filed January 15, 2021 are adopted;
- 2. Respondent’s motion to dismiss the petition (ECF No. 11) is granted;

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3. This action is dismissed as untimely; and

4. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253 for the reasons set forth in the findings and recommendations.

DATED: March 31, 2021.



CHIEF UNITED STATES DISTRICT JUDGE