

1 petitioner's mental health and whether it impeded his ability to present timely legal filings as
2 relevant to his case; the court also notes the magistrate judge's faithful identification of the law
3 and analysis with respect to the facts of petitioner's case.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The findings and recommendations filed December 2, 2020, ECF No. 25, are adopted
6 in full;
- 7 2. Respondent's motion to dismiss, ECF No. 12, is granted;
- 8 3. This action is dismissed with prejudice because untimely filed; and
- 9 4. The court declines to issue the certificate of appealability referenced in 28 U.S.C.
10 § 2253.

11 DATED: March 31, 2021.

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15 CHIEF UNITED STATES DISTRICT JUDGE
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