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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	DON C. LIVINGSTON,	No. 2:20-cv-0047 KJM AC P
12	Petitioner,	
13	v.	<u>ORDER</u>
14	PATRICK COVELLO, Warden,	
15	Respondent.	
16		
17	Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas	
18	corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as	
19	provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
20	On December 2, 2020, the magistrate judge filed findings and recommendations, which	
21	were served on all parties and which contained notice to all parties that any objections to the	
22	findings and recommendations were to be filed within thirty days. ECF No. 25. Petitioner has	
23	filed objections to the findings and recommendations. ECF No. 30; see also ECF No. 32	
24	(clarifying that document styled a "Reply and Exhibits" is properly construed as objections).	
25	In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this	
26	court has conducted a <i>de novo</i> review of this case. Having reviewed the file, the court finds the	
27	findings and recommendations to be supported by the record and by the proper analysis. In	
28	particular, the court notes the magistrate judge's careful evaluation of the record with respect to	
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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.	
12	$I \cap A \cap A $	
13	CHIEF UNITED STATES DISTRICT JUDGE	
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