

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DAVID SAMPSON HUNTER,

 Plaintiff,

 v.

SCOTT JONES,

 Respondent.

No. 2:20-CV-1097-WBS-DMC-P

ORDER

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On September 16, 2021, 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. The court construes petitioner’s subsequent filings (ECF Nos. 44 and 45) as timely objections to the findings and recommendations.

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

///

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed September 16, 2021, are adopted in full;
2. Respondent's motion to dismiss, ECF No. 30, is granted;
3. Petitioner's first amended petition, ECF No. 15, is dismissed with leave to amend; and
4. Petitioner shall file a second amended petition within 30 days of the date of this order.

Dated: October 27, 2021



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE