1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 ANTHONY JOHNSON, No. 2:20-cv-1443 KJM AC P 12 Petitioner, 13 **ORDER** v. 14 DANIEL E. CUEVA, 15 Respondent. 16 17 Petitioner, a state prisoner proceeding pro se, has filed an 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 September 1, 2021, 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 fourteen days. ECF No. 27. Neither party 23 has filed objections to the findings and recommendations. 24 The court presumes that any findings of fact are correct. See Orand v. United States, 25 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed 26 de novo. See Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law 27 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court ///// 28 1

1	"). Having reviewed the file, the court finds the findings and recommendations to be
2	supported by the record and by the proper analysis.
3	Accordingly, IT IS HEREBY ORDERED that:
4	1. The findings and recommendations filed September 1, 2021, ECF No. 27, are adopted
5	in full.
6	2. Petitioner's application for a writ of habeas corpus is dismissed without prejudice.
7	3. The court declines to issue the certificate of appealability referenced in 28 U.S.C.
8	§ 2253.
9	4. The Clerk of the Court is directed to close this case.
10	DATED: November 8, 2021.
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12	CHIEF UNITED STATES DISTRICT JUDGE
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