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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WALTER LEE COLE,

 Petitioner,

 v.

W.J. SULLIVAN, Warden,

 Respondent.

No. 2:20-cv-01452-TLN-GGH

ORDER

Petitioner Walter Lee Cole (“Petitioner”), a state prisoner proceeding *pro se*, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 3, 2021, the magistrate judge filed findings and recommendations herein 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 fourteen days. (ECF No. 23.) Neither party has filed objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed *de novo*. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

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.

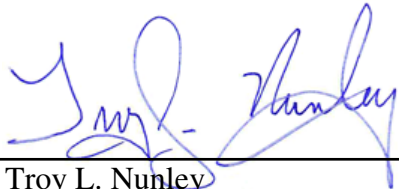
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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations filed March 3, 2021 (ECF No. 23), are ADOPTED IN FULL;
2. Respondent W.J. Sullivan’s Motion to Dismiss (ECF No. 13) is GRANTED;
3. The First Amended Habeas Petition (ECF No. 9) is DISMISSED with prejudice for untimeliness; and
4. The Court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

IT IS SO ORDERED.

DATED: March 30, 2021



Troy L. Nunley
United States District Judge