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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed February 23, 2021, are adopted in full;
2. Respondent’s motion to dismiss (ECF No. 10) is granted and the petition is dismissed without prejudice;
3. Petitioner’s motion for preliminary injunction (ECF No. 7) is denied as moot; and
4. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

DATED: April 30, 2021

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE