1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 D'RON BOTTS, No. 2:21-cv-0128-JAM-EFB P 12 Petitioner. 13 **ORDER** v. 14 CALIFORNIA DEPARTMENT OF CORRECTIONS, 15 Respondent. 16 17 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas 18 19 corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate 20 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 21 On March 9, 2021, the magistrate judge filed findings and recommendations herein which 22 were served on petitioner and which contained notice to petitioner that any objections to the 23 findings and recommendations were to be filed within fourteen days. Petitioner has filed objections to the findings and recommendations.¹ 24 25 ¹ Petitioner also filed a civil rights complaint with a request that the court "send 26 petitioner's writ to the appropriate court for proper judgment." ECF No. 11 at 1. Petitioner is hereby informed that the dismissal of this habeas action is without prejudice to petitioner's 27 commencement of a civil rights action. The court will not, however, file petitioner's complaint for 28 him. 1

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 March 9, 2021, are adopted in full; 2. Petitioner's application for a writ of habeas corpus is denied; 3. The Clerk is directed to close the case; and 4. The court declines to issue a certificate of appealability. DATED: April 30, 2021 /s/ John A. Mendez THE HONORABLE JOHN A. MENDEZ UNITED STATES DISTRICT COURT JUDGE