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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   THINTINUS N. TAYLOR,   No. 2:21-cv-0227 KJM KJN P

12   Petitioner,

13   v.   ORDER

14   BUREAU OF PRISONS,

15   Respondent.

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17   Petitioner, a state prisoner proceeding pro se, 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 March 14, 2022, the magistrate judge filed findings and recommendations, which were

21   served on all parties and which contained notice to all parties that any objections to the findings

22   and recommendations were to be filed within fourteen days. On March 21, 2022, the findings and

23   recommendations served on petitioner were returned undelivered. On March 23, 2022, the Clerk

24   of the Court re-served the findings and recommendations on petitioner at an updated address

25   obtained through the Federal Inmate Locator. Neither party filed objections to the findings and

26   recommendations.

27   The court presumes that any findings of fact are correct. *See Orand v. United States*,

28   602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed

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de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . . ."). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed March 14, 2022 are adopted;

2. Respondent's motion to dismiss (ECF No 15) is granted;

3. This action is dismissed without prejudice; and

4. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

DATED: May 23, 2022

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CHIEF UNITED STATES DISTRICT JUDGE