UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

LAUREN SPEARS, Petitioner, v. EL DORADO COUNTY JAIL, Respondent.	No. 2:21-cv-01769-TLN-JDP **ORDER**

Petitioner, 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 October 5, 2022, the magistrate judge filed findings and recommendations herein which were served on Petitioner and which contained notice to Petitioner that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 11.) Petitioner has not 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 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 . . . .").

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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.

Accordingly, IT IS HEREBY ORDERED that:

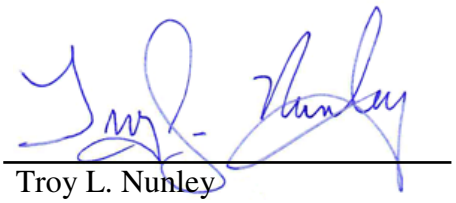
1. The Findings and Recommendations filed October 5, 2022 (ECF No. 11) are ADOPTED in full;

2. This action is DISMISSED for failure to prosecute, failure to comply with court orders, and for failure to state a claim for the reasons set forth in the Court's May 13, 2022 Order (ECF No. 10);

3. The Clerk of Court is directed to close the case; and

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

DATED: November 22, 2022



Troy L. Nunley
United States District Judge