

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE LUIS MUNIZ,
Petitioner,
v.
PAUL THOMPSON, et al.,
Respondent.

No. 2:21-cv-01820-TLN-AC

ORDER

Petitioner, a federal prisoner proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. 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 23, 2023, 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. 10.) Neither party filed objections to the findings and recommendations.

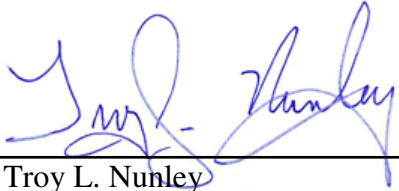
The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). The Court has reviewed the file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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed March 23, 2023 (ECF No. 10), are ADOPTED IN FULL;
2. Respondent’s motion to dismiss the petition for writ of habeas corpus (ECF No. 8) is GRANTED;
3. The petition is DISMISSED without prejudice;
4. The Court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253;
5. The Clerk of the Court is directed to close this case.

DATE: May 10, 2023



Troy L. Nunley
United States District Judge