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6 UNITED STATES DISTRICT COURT  
7 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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9 JUSTIN R. BENSON,  
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11 Petitioner,  
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13 v.  
14 RAYMOND MADDEN,  
Respondent.

No. 2:21-cv-02165-KJM-CKD P

ORDER

15 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas  
16 corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as  
17 provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

18 On April 26, 2022, the magistrate judge filed findings and recommendations, which were  
19 served on all parties and which contained notice to all parties that any objections to the findings  
20 and recommendations were to be filed within twenty-one days. Neither party has filed objections  
21 to the findings and recommendations.

22 The court presumes that any findings of fact are correct. *See Orand v. United States*,  
23 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed  
24 de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law  
25 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court  
26 . . .”). Having reviewed the file, the court finds the findings and recommendations to be  
27 supported by the record and by the proper analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed April 26, 2022, are adopted in full.

3 2. Respondent's motion to dismiss (ECF No. 11) is granted.

4 3. Petitioner's habeas corpus petition is dismissed without prejudice to refiling once all  
5 the claims in it have been properly exhausted in state court.

6 4. The court declines to issue the certificate of appealability referenced in 28 U.S.C.  
7 § 2253.

8 5. The Clerk of Court shall close this action.

9 DATED: June 21, 2022.

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12 CHIEF UNITED STATES DISTRICT JUDGE  
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