1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 DONNY STEWARD, No. 2:22-cv-00144-TLN-CKD 12 Petitioner. 13 **ORDER** v. 14 UNKNOWN, 15 Respondent. 16 17 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas 18 corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate 19 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On March 17, 2022, the magistrate judge filed findings and recommendations herein 21 which were served on Petitioner and which contained notice to Petitioner that any objections to 22 the findings and recommendations were to be filed within fourteen days. (ECF No. 5.) Petitioner 23 has not filed objections to the findings and recommendations. 24 The Court presumes that any findings of fact are correct. See Orand v. United States, 602 25 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*. 26 See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed 27 the file, the Court finds the findings and recommendations to be supported by the record and by 28 the magistrate judge's analysis. 1

## Accordingly, IT IS HEREBY ORDERED that: 1. The Findings and Recommendations filed March 17, 2022, (ECF No. 5), are adopted in full; 2. This action is DISMISSED without prejudice; and 3. The Court declines to issue the Certificate of Appealability referenced in 28 U.S.C. § 2253. **DATED:** June 1, 2022 Troy L. Nunley United States District Judge