UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM BARTON, Petitioner, v. JOSIE GASTELO, et al., Respondents.	No. 2:22-cv-0932 WBS KJN P ORDER

Petitioner, a state prisoner proceeding pro se, 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 July 1, 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. On July 20, 2022, petitioner was granted an additional fourteen days to file objections. Fourteen days have passed, and petitioner did not file 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). Having

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reviewed the file, the court 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 July 1, 2022, are adopted in full;

2. Petitioner's application for a writ of habeas corpus is dismissed as duplicative; and

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

Dated: August 12, 2022

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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