1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 MISTY M. FORSYTH, No. 2:22-cv-01248-TLN-KJN 12 Petitioner, 13 **ORDER** v. 14 UNKNOWN, 15 Respondents. 16 17 Petitioner, a state prisoner proceeding pro se, 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 July 21, 2022, the magistrate judge filed findings and recommendations herein which 21 were served on Petitioner and which contained notice to Petitioner that any objections to the 22 findings and recommendations were to be filed within fourteen days. (ECF No. 9.) Petitioner did 23 not file 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 July 21, 2022 (ECF No. 9), are ADOPTED in full; 2. Petitioner's Application for a Writ of Habeas Corpus is DISMISSED for failure to exhaust state remedies; and 3. The Court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253. DATED: September 19, 2022 Troy L. Nunley United States District Judge