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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID WILLIAM DINGLE,  
Petitioner,  
v.  
PATRICK COVELLO,  
Respondent.

No. 2:22-cv-02098-DJC-CKD

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this 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 March 27, 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. Petitioner has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed March 27, 2023, are adopted in full.
2. Respondent's motion to dismiss (ECF No. 10) is granted.
3. Petitioner's application for writ of habeas corpus (ECF No. 1) is dismissed without prejudice as an unauthorized second or successive petition.
4. Petitioner's motion for summary judgment (ECF No. 13) is denied as moot.
5. The Court will deny Certificate of Appealability as Petitioner has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2).
6. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

Dated: May 18, 2023

  
Hon. Daniel J. Calabretta  
UNITED STATES DISTRICT JUDGE

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