1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 RAFAEL PAHUA MARTINEZ, No. 2:23-cv-00615-KJM-EFB (HC) 12 Petitioner, 13 **ORDER** v. 14 WARDEN, 15 Respondent. 16 17 Petitioner, a federal prisoner proceeding without counsel, has filed an application for a writ of habeas corpus. The matter was referred to a United States Magistrate Judge as provided 18 19 by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On September 20, 2023 the magistrate judge filed findings and recommendations, which 21 were served on all parties and which contained notice to all parties that any objections to the 22 findings and recommendations were to be filed within fourteen days. Neither party has filed 23 objections to the findings and recommendations. 24 The court presumes that any findings of fact are correct. See Orand v. United States, 25 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed 26 de novo. See Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law 27 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court ///// 28 1

...."). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed on September 20, 2023 are adopted in full;
- 2. Petitioner's application for a writ of habeas corpus is dismissed without prejudice;
- 3. The Clerk is directed to terminate all pending motions and close the case; and
- 4. The court declines to issue a certificate of appealability.

DATED: December 21, 2023.

CHIEF UNITED STATES DISTRICT JUDGE