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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VICTOR JOHN LUISOTTI, JR.,
Petitioner,
v.
ROBERT ST. ANDRE,
Respondent.

No. 2:23-cv-01401 DJC DB 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 October 17, 2023, 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. (ECF No. 7.) Petitioner has not filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS

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1 HEREBY ORDERED as follows:

2 1. The findings and recommendations filed October 17, 2023 (ECF No. 7), are
3 adopted in full.

4 2. The application for writ of habeas corpus is dismissed without prejudice for
5 failure to exhaust state remedies.

6 3. The Court declines to issue the certificate of appealability referenced in 28
7 U.S.C. § 2253 as Petitioner has not made a substantial showing of the denial of a
8 constitutional right, see 28 U.S.C. § 2253(c)(2).

9 4. The Clerk of the Court is directed to close this case.

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11 IT IS SO ORDERED.

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13 Dated: December 15, 2023


14 Hon. Daniel J. Calabretta
15 UNITED STATES DISTRICT JUDGE

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