

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Alexander P. Lees v. Carlos Arce

Lees v. Arce · No. 2:24-cv-03296-TLN-JDP · Decided September 29, 2025

OPINION

Arce

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 ALEXANDER P. LEES, Case No. 2:24-cv-03296-TLN-JDP 12 Petitioner, 13 v. ORDER

14 CARLOS ARCE,

15 Respondent. 16

17 Petitioner Alexander P. Lees (“Petitioner”), a state prisoner proceeding pro se, has filed 18 this
application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was 19 referred
to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 20 302.
21 On August 26, 2025, the magistrate judge filed findings and recommendations herein 22 which
were served on all parties and which contained notice to all parties that any objections to 23 the
findings and recommendations were to be filed within fourteen days. Petitioner has not filed 24
objections to the findings and recommendations. 25 The Court presumes that any findings of fact
are correct. See *Orand v. United States*, 602 26 F.2d 207, 208 (9th Cir. 1979). The magistrate
judge’s conclusions of law are reviewed de novo. 27 *Robbins v. Carey*, 481 F.3d 1143, 1147 (9th
Cir. 2007). The Court has reviewed the file and finds 28 the findings and recommendations to be
supported by the record and by the magistrate judge’s 1 analysis. 2 Accordingly, IT IS HEREBY
ORDERED that: 3 1. The findings and recommendations filed August 26, 2025 (ECF No. 16.) are
adopted in 4 full; 5 2. This action is DISMISSED without prejudice for failure to prosecute and
comply with 6 court orders; 7 3. Respondent’s Motion to Dismiss (ECF No. 14) is DENIED as
moot; 8 4. The Court declines to issue the certificate of appealability referenced in 28 U.S.C. § 9
2253; and 10 5. The Clerk of Court is directed to close this case and to enter judgment
accordingly. 11 IT IS SO ORDERED. 12 Date: September 26, 2025 13 14 15 16 17 18 19 20 21
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