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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRUCE ARMSTRONG,
Petitioner,
v.
JOHN SOTO,
Respondent.

No. 1:15-cv-01109-DAD-MJS
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO GRANT
MOTION TO STAY PETITION FOR WRIT
OF HABEAS CORPUS
(Doc. Nos. 3, 11)

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is represented by counsel.

On July 6, 2015, petitioner filed this petition. (Doc. No. 1.) Three days later, petitioner filed the instant motion to stay these proceedings while he sought exhaust his claims for ineffective assistance of counsel and juror misconduct in state court. (Doc. No. 3.)

On September 21, 2015, the assigned magistrate judge issued findings and recommendations, including a recommendation to grant petitioner’s motion to stay the petition for writ of habeas corpus pursuant to the decision in *Rhines v. Weber*, 544 U.S. 269 (2005). (Doc. No. 11.) No objections have been filed to the findings and recommendations.

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1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
3 magistrate judge's findings and recommendation are supported by the record and proper analysis.

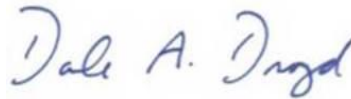
4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The September 21, 2015 findings and recommendations (Doc. No. 11) are
6 ADOPTED IN FULL;
- 7 2. Petitioner's motion for stay (Doc. No. 3) is GRANTED, and the instant action
8 shall be administratively stayed; and
- 9 3. Petitioner is directed to file a motion to lift the stay within thirty (30) days of the
10 California Supreme Court issuing a final order resolving petitioner's unexhausted
11 claims.

12 Petitioner is forewarned that failure to comply with this order may result the dismissal of the
13 petition. *See* Local Rule 110.

14 IT IS SO ORDERED.
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18 Dated: January 22, 2016



19 DALE A. DROZD

20 UNITED STATES DISTRICT JUDGE
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