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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT D. RICARDO,

Petitioner,

No. CIV S-08-2342 FCD EFB P

vs.

M. MARTEL,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, has 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 General Order No. 262.

On December 21, 2009, 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 twenty-one days. Neither party has 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 HEREBY ORDERED that:

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1 1. The findings and recommendations filed December 21, 2009, are adopted in
2 full;

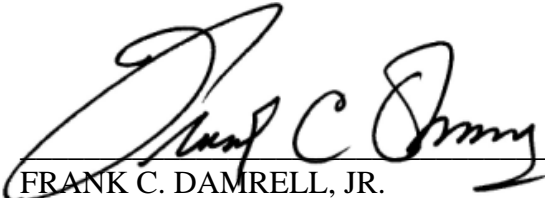
3 2. Petitioner's May 5, 2009 motion to stay is denied;

4 3. Respondent's June 14, 2009 motion to dismiss is denied;

5 4. Respondent is directed to file and serve an answer, and not a motion,
6 responding to the application within 60 days from the date of this order, *see* Rule 4, Rules
7 Governing Section 2254 Cases, and the answer shall be accompanied by any and all transcripts
8 or other documents relevant to the determination of the issues presented in the application, *see*
9 Rule 5, Rules Governing Section 2254 Cases; and

10 5. Petitioner is directed that his reply, if any, shall be filed and served within 30
11 days of service of an answer.

12 DATED: March 1, 2010.

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15 FRANK C. DAMRELL, JR.
16 UNITED STATES DISTRICT JUDGE
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