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

JEFFREY ALLEN ISOM,

Petitioner,

No. CIV S-09-2350 GEB GGH P

vs.

LARRY SMALL, Warden,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has filed this 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 February 1, 2010, 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. Petitioner has filed objections to the findings and recommendations. Petitioner has also filed a motion to dismiss his claim 2.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by

1 proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

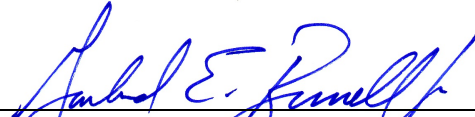
3 1. The findings and recommendations filed February 1, 2010, are adopted in full;

4 and

5 2. Petitioner's motion to stay, filed on August 24, 2009 (Docket # 3), is to be
6 granted only if petitioner files, within 28 days, an amended petition containing only fully
7 exhausted claims, that is, absent claim 2 of the original petition;

8 3. Should petitioner not elect to file an exhausted-claims-only petition and to
9 further pursue a stay, this matter will proceed on the original petition with the unexhausted claim
10 2 stricken from the petition.

11 Dated: March 3, 2010

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14 _____
GARLAND E. BURRELL, JR.
United States District Judge