(HC) Marsha	all v. Small I	
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8	IN THE LI	NITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10	RUDOLPH MARSHALL,	ISTERIO DISTRICT OF CALIFORNIA
11	Petitioner,	No. CIV S-10-0565 JAM EFB P
12	vs.	140. CIV 5-10-0303 JAWI EI B I
13	LARRY SMALL,	
14	Respondent.	ORDER
15	respondent.	<u>ORDER</u>
16	Petitioner, a state prisoner proceeding without counsel, has filed an application for	
17	a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States	
18	Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
19	On February 11, 2011, the magistrate judge filed findings and recommendations	
20	herein which were served on all parties and which contained notice to all parties that any	
21	objections to the findings and recommendations were to be filed within fourteen days. Neither	
22	party has filed objections to the findings and recommendations.	
23	The court has reviewed the file and finds the findings and recommendations to be	
24	supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY	
25	ORDERED that:	
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1	1. The findings and recommendations filed February 11, 2011, are adopted in	
2	full;	
3	2. Respondent's June 8, 2010 motion to dismiss is denied;	
4	3. Petitioner's June 28, 2010 motion to stay is denied as moot;	
5	4. Respondent is directed to file and serve an answer or a motion in response to	
6	petitioner's March 10, 2010 application within 60 days. See Rule 4, Fed. R. Governing § 2254	
7	Cases. Respondent's response shall be accompanied by any and all transcripts or other	
8	documents relevant to the determination of the issues presented in the application. See Rules 4,	
9	5, Fed. R. Governing § 2254 Cases; and	
10	5. Petitioner's reply, if any, must be filed within 30 days of service of an	
11	answer.	
12	6. If the response to petitioner's application is a motion, petitioner's opposition of	
13	statement of non-opposition shall be filed and served within 30 days of service of the motion,	
14	and respondents' reply, if any, shall be filed within 14 days thereafter.	
15	DATED: March 25, 2011	
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17	/s/ John A. Mendez UNITED STATES DISTRICT JUDGE	
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