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1. The findings and recommendations filed July 23, 2015, are adopted; and
2. Respondent’s motion to dismiss (Doc. No. 11) is granted;
3. Petitioner’s renewed motion for a stay and abeyance under the procedure outlined in the Supreme Court’s decision in Rhines (Doc. No. 18) is denied; and
4. Within thirty days of the date of this order, petitioner is directed to file an amended petition containing only his exhausted Claims (1) and (2). Petitioner may elect to proceed on his fully exhausted Claims (1) and (2) or he may file with his amended petition a motion for a stay pursuant to the Kelly procedure.

DATED: November 3, 2015

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE