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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALOYSIUS P. FRANKLIN,
Petitioner,
v.
E. VALENZUELA,
Respondent.

No. 2:15-cv-2081 GEB CKD P

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 Rule 302.

On February 2, 2016, the magistrate judge filed findings and recommendations herein which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has not filed objections to the findings and recommendations.

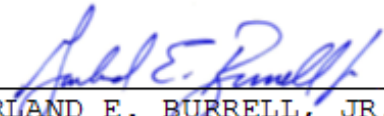
The court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed February 2, 2016, are adopted in full;
2. Petitioner's motion for stay (ECF No. 9) is denied;
3. The First Amended Petition (ECF No. 8) is dismissed as "mixed";
4. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253;
5. Petitioner's motion to amend (ECF No. 11) is granted, and the court will proceed to screen the Second Amended Petition.

Dated: March 3, 2016



GARLAND E. BURRELL, JR.
Senior United States District Judge