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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BOBBY JOE MASK,  
Petitioner,  
v.  
DANIEL PARAMO,  
Respondent.

No. 2:15-cv-2168 MCE CKD P

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 Rule 302.

On March 1, 2016, 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 fourteen days. Petitioner has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 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 proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed March 1, 2016, are adopted in full;
2. Petitioner’s motions for stay (ECF Nos. 6 & 13) are granted as follows:
  - a. The petition (ECF No. 1) is dismissed as “mixed”;
  - b. No later than thirty days after dismissal, petitioner shall file an amended petition containing only exhausted claims;
  - c. Failure to timely file such an amended petition will result in this action being closed; and
  - d. Upon receipt of a fully exhausted amended petition, that court will administratively stay this action pursuant to Kelly, pending exhaustion of additional claims in the California Supreme Court.
3. Respondent’s motion to dismiss (ECF No. 12) is granted as consistent with the above;

and

4. This case is referred back to the assigned magistrate judge for all further pretrial proceedings.

Dated: April 20, 2016

  
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MORRISON C. ENGLAND, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT