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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Brian Thomas Eftenoff,

10 **Petitioner,**

11 v.

12 Charles L. Ryan, et al.,

13 **Respondents.**

No. CV-14-01023-PHX-NVW (MHB)

ORDER

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15 Before the court is the Report and Recommendation (“R&R”) of Magistrate Judge
16 Michelle Burns (Doc. 35) regarding Petitioner’s Motion to Stay and Abey Habeas
17 Proceedings (Doc. 25). The R&R recommends that the Motion be denied. Petitioner
18 filed objections to that recommendation on March 24, 2015. (Doc. 36.)

19 The court has considered the objections and reviewed the R&R de novo. *See* Fed.
20 R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1) (stating that the court must make a de novo
21 determination of those portions of the Report and Recommendation to which specific
22 objections are made). The court agrees with the Magistrate Judge’s determinations,
23 accepts the recommended decision within the meaning of Rule 72(b), and overrules
24 Petitioner’s objections. *See* 28 U.S.C. § 636(b)(1)(C) (providing that the district court
25 “may accept, reject, or modify, in whole or in part, the findings or recommendations
26 made by the magistrate”).


27 **IT IS THEREFORE ORDERED** that the Report and Recommendation of the
28 Magistrate Judge is accepted.

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IT IS FURTHER ORDERED that Petitioner's Motion to Stay and Abey Habeas Proceedings (Doc. 25) is denied.

This matter remains referred to Magistrate Judge Burns.

Dated this 28th day of April, 2015.


Neil V. Wake
United States District Judge