

1 filed objections on September 3, 2015 (Doc. 52). Respondents have not filed any
2 objections.

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

11 IT IS THEREFORE ORDERED that Report and Recommendation of the
12 Magistrate Judge (Doc. 47) is accepted in that the Court dismisses Grounds One, Two,
13 and Three without prejudice to Petitioner seeking authorization from the Ninth Circuit to
14 bring those claims in a successive § 2254 petition, and that the Court denies Petitioner’s
15 request to stay this matter (Doc. 46 at 4) while he seeks such authorization.

16 IT IS FURTHER ORDERED that the Court denies Petitioner’s Motion for Relief
17 from Judgment or Order. (Doc. 40.)

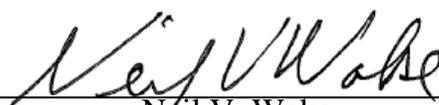
18 IT IS FURTHER ORDERED that the Court construes Petitioner’s Motion for
19 Declaratory Relief (Doc. 39) as a motion to supplement the Second Amended Petition for
20 Writ of Habeas Corpus and grants that motion.

21 IT IS FURTHER ORDERED that Respondents shall file an answer to Grounds
22 Four, Five, and Six and to the motion for declaratory relief (construed as a motion to
23 supplement the Second Amended Petition) within thirty days of the Court’s order, and
24 that Petitioner may file a reply within thirty days of service of Respondents’ answer.

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IT IS FURTHER ORDERED that the Court denies Petitioner's motions for expedited ruling on his Motion for Declaratory Relief and Motion for Relief from Judgment. (Docs. 41, 42.)

Dated this 8th day of September, 2015.


Neil V. Wake
United States District Judge