UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

W. C. SPIVEY, III,

Petitioner,

v.

CONNIE GIPSON, Warden,

Respondent.

Case No. 1:12-cv-00206-LJO-SKO-HC

ORDER RE: FINDINGS AND RECOMMENDATIONS (DOC. 35)

ORDER DENYING PETITIONER'S MOTION FOR A STAY (DOCS. 30, 12, 34)

Petitioner is a state prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 through 304.

On August 26, 2013, the Magistrate Judge filed findings and recommendations that Petitioner's motion for a stay of the proceedings be denied. The findings and recommendations were served on all parties on the same date. The findings and recommendations advised the parties that objections could be filed within thirty days and replies within fourteen days after the filing of objections. On September 26, 2013, Petitioner filed objections.

Although over fourteen days have passed since the filing of objections, no reply to the objections has been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of the case. The undersigned has carefully reviewed the entire file and has considered the objections; the undersigned has determined there is no need to modify the findings and recommendations based on the points raised in the objections. The Court finds that the report and recommendations are supported by the record and proper analysis.

Accordingly, it is ORDERD that:

1. The findings and recommendations filed on August 26, 2013, are ADOPTED in full; and

2. Petitioner's motion for a stay of the proceedings is DENIED.

IT IS SO ORDERED.

Dated: **October 17, 2013**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE