

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ERIK DANIEL GONZALEZ,  
Petitioner.

V.

A. HEDGPETH,  
Respondent.

Case No. 1:12-cv-001244-LJO-BAM-HC  
ORDER RE: FINDINGS AND  
RECOMMENDATIONS (DOC. 49)

ORDER DENYING PETITIONER'S MOTION  
FOR EXTENSION OF TIME AND FOR A  
STAY TO EXHAUST STATE COURT CLAIMS  
(DOC. 33)

ORDER SCHEDULING DEADLINE FOR  
PETITIONER TO FILE A TRAVERSE

**DEADLINE FOR FILING A TRAVERSE:**  
**THIRTY (30) DAYS**

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 January 13, 2015, the Magistrate Judge filed findings and recommendations to deny Petitioner's motion for a stay of the proceedings to permit him to exhaust state court remedies, which was filed on December 2, 2013. The Magistrate Judge further recommended that the matter be referred back to the Magistrate Judge to schedule the deadline for Petitioner to file a traverse to Respondent's

1 answer to the petition.<sup>1</sup> The findings and recommendations were  
2 served on all parties on the same date. The findings and  
3 recommendations advised the parties that objections could be filed  
4 within thirty days and replies within fourteen days after the filing  
5 of objections. Although the thirty-day period for the filing of  
6 objections has passed, no objections have been filed.

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C),  
8 this Court has conducted a de novo review of the case. Having  
9 carefully reviewed the entire file, the Court finds that the report  
10 and recommendations are supported by the record and proper analysis.  
11 Thus, the Court will adopt the findings and recommendations in full.

12 Accordingly, it is ORDERED that:

13 1) The findings and recommendations filed on January 13, 2015,  
14 are ADOPTED in full; and

15 2) Petitioner's motion for a stay of the proceedings to exhaust  
16 state court remedies is DENIED; and

17 3) Petitioner may FILE a traverse to the answer previously  
18 filed by Respondent no later than thirty (30) days after the date of  
19 service of this order.

20  
21 IT IS SO ORDERED.

22 Dated: March 10, 2015

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

25  
26  
27  
28 <sup>1</sup> In order to avoid delay, the Court will set the deadline for filing the traverse in this order instead of  
remanding the matter to the Magistrate Judge to do so.