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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JULIO CESAR BONILLA,  
Petitioner,  
  
v.  
  
PAUL D. BRAZELTON,  
Respondent.

Case No. 1:13-cv-01710-LJO-BAM-HC  
  
ORDER CONSTRUING PETITIONER'S  
SUPPLEMENTAL TRAVERSE AND REQUEST  
(DOC. 24) TO BE 1) OBJECTIONS TO  
THE FINDINGS AND RECOMMENDATIONS TO  
DENY PETITIONER'S MOTION FOR A STAY  
(DOC. 21), AND 2) A MOTION TO AMEND  
THE PETITION FOR WRIT OF HABEAS  
CORPUS  
  
ORDER SCHEDULING REPLY TO THE  
OBJECTIONS AND BRIEFING ON THE  
MOTION TO AMEND

Petitioner is a 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 has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 through 304.

On September 15, 2014, the Magistrate Judge filed findings and recommendations to deny Petitioner's motion for a Rhines stay and to have the previously suspended deadline for the filing of Petitioner's traverse be reset thereafter. The findings and recommendations were served on Petitioner on the same date, and they informed Petitioner that objections could be filed no later than

1 thirty (30) days after service. On October 9, 2014, Petitioner  
2 filed his traverse and also filed a supplemental traverse with a  
3 request to amend the petition to add additional claims set forth in  
4 the supplemental traverse. Petitioner stated that he would not file  
5 objections because to do so would confuse the matter. (Doc. 24, 5.)  
6 It appears that Petitioner interpreted the findings and  
7 recommendations as giving Petitioner the choice of filing either  
8 objections or a traverse in 30 days. (Id.)

9 In an effort to avoid inefficiency and further delay in  
10 determining the underlying stay motion addressed in the findings and  
11 recommendations, the Court CONSTRUES Petitioner's supplemental  
12 traverse and request to be 1) objections to the findings and  
13 recommendations, and 2) a motion to amend the petition for writ of  
14 habeas corpus.

15 Respondent may FILE a reply to the objections and shall FILE  
16 opposition or notice of non-opposition to Petitioner's motion to  
17 amend the petition no later than thirty (30) days after the date of  
18 service of this order.

19 Petitioner may file a reply to any opposition to the motion to  
20 amend no later than thirty (30) days after the date of service of  
21 any opposition.

22  
23 IT IS SO ORDERED.

24 Dated: October 14, 2014

/s/ Barbara A. McAuliffe  
25 UNITED STATES MAGISTRATE JUDGE