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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

XIONG YENG,

 Petitioner,

 v.

RICK HILL, Warden,

 Respondent.

Case No. 1:13-cv-01734-AWI-BAM-HC

ORDER RE: FINDINGS AND
RECOMMENDATIONS (DOC. 9)

ORDER DISMISSING PETITIONER'S STATE
LAW CLAIMS WITHOUT LEAVE TO AMEND
(DOC. 1)

ORDER REFERRING THE MATTER BACK TO
THE MAGISTRATE JUDGE FOR RULING ON
PETITIONER'S MOTION FOR A STAY
(DOC. 12)

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 February 28, 2014, the Magistrate Judge filed findings and recommendations to dismiss Petitioner's state law claims without leave to amend. 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. Although the thirty-day period for the filing of objections has

1 passed, no objections have been filed. However, after receiving an
2 extension of time to object, Petitioner filed a motion for a stay on
3 June 6, 2014, in which Petitioner sought to stay the claims that
4 will remain in the petition after the state claims are dismissed;
5 Petitioner seeks to exhaust state court remedies as to additional
6 claims.

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 Accordingly, the findings and recommendations will be adopted in
12 full.

13 In accordance with the foregoing, it is ORDERED that:

14 1) The findings and recommendations filed on February 28, 2014,
15 are ADOPTED in full; and

16 2) Petitioner's state law claims are DISMISSED without leave to
17 amend; and

18 2) The matter is REFERRED back to the Magistrate Judge for
19 consideration of Petitioner's motion for a stay of the proceedings
20 pursuant to Kelly v. Small, 315 F.3d 1063 (9th Cir. 2003).
21

22 IT IS SO ORDERED.

23 Dated: October 29, 2014


24 SENIOR DISTRICT JUDGE