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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 JAIME I. ESTRADA,

12 Petitioner,

13 v.

14 MARTIN BITER,

15 Respondent.
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Case No. 1:14-cv-00679-AWI-GSA-HC

ORDER ADOPTING FINDINGS AND
RECOMMENDATION (ECF No. 20)

ORDER DENYING RESPONDENT'S
MOTION TO DISMISS (ECF No. 14),
DENYING PETITIONER'S MOTION FOR
DISCOVERY (ECF No. 9), DISMISSING
PETITIONER'S MOTION FOR STAY (ECF
No. 1), AND DISMISSING PETITIONER'S
MOTION TO LIFT STAY (ECF No. 15)

18 Petitioner is proceeding pro se with a petition for writ of habeas corpus pursuant to 28
19 U.S.C. § 2254.

20 On November 20, 2014, the Magistrate Judge issued a Findings and Recommendation
21 that recommended that Respondent's motion to dismiss be denied, Petitioner's motion for
22 discovery be denied without prejudice, Petitioner's motion for stay and abeyance be denied as
23 moot, and Petitioner's motion to lift the stay be denied as moot. (ECF No. 20). On November
24 20, 2014, the Findings and Recommendation was served on all parties and contained notice that
25 any objections were to be filed within thirty (30) days after being served with this Findings and
26 Recommendation. Respondent was granted two motions for extension of time to file objections.

27 On February 17, 2015, Respondent filed his response to the Findings and
28 Recommendation, in which he indicated that he does not intend to file objections to the statute of

1 limitations ruling by the Court. (ECF No. 28).

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted
3 a de novo review of the case. Having carefully reviewed the entire file, the Court concludes that
4 the Magistrate Judge's Findings and Recommendation is supported by the record and proper
5 analysis, and there is no need to modify the Findings and Recommendation.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The Findings and Recommendation issued November 20, 2014, is ADOPTED IN
8 FULL;
9 2. Respondent's motion to dismiss is DENIED;
10 3. Petitioner's motion for discovery is DENIED without prejudice;
11 4. Petitioner's motion for stay and abeyance is DENIED as moot;
12 5. Petitioner's motion to lift the stay is DENIED as moot; and
13 6. The matter is REFERRED BACK to the Magistrate Judge for further proceedings.

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15 IT IS SO ORDERED.

16 Dated: February 19, 2015



SENIOR DISTRICT JUDGE