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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

**LARRY BAILEY-BANKS,**  
Petitioner,  
  
v.  
  
**W.L. MONTGOMERY,**  
Respondent.

1:15-cv-01839-AWI-MJS (HC)  
**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DENY  
PETITIONER'S MOTION TO STAY AND  
ABEY PETITION**  
  
**(ECF NOS. 27, 28, 30)**

Petitioner is a state prisoner proceeding pro se with a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges his June 7, 2012 conviction for robbery, burglary, accessory after the fact, and receiving stolen property. (ECF No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The assigned Magistrate Judge conducted a preliminary review of the petition and ordered Respondent to file a response. (ECF No. 10.) On May 12, 2016, Respondent filed an answer. (ECF No. 21.) On July 31, 2017, Petitioner filed a motion to stay and abey the petition while he exhausted additional claims in state court. (ECF Nos. 27; 28.) Respondent opposes this motion. (ECF No. 29.)

On December 29, 2017, the Magistrate Judge issued findings and

1 recommendations to deny Petitioner's motion to stay. (ECF No. 30.) Petitioner was given  
2 fourteen days to file objections. Petitioner did not file objections and the time to do so  
3 has passed.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304,  
5 the Court has conducted a de novo review of this case. Having carefully reviewed the  
6 entire file, the Court finds the findings and recommendations to be supported by the  
7 record and by proper analysis.

8 Accordingly, it is HEREBY ORDERED that:

- 9 1. The Court adopts the findings and recommendations filed on December  
10 29, 2017 (ECF No. 30) in full; and
- 11 2. Petitioner's motion to stay (ECF Nos. 27; 28) is DENIED without prejudice  
12 to refiling, as explained in the findings and recommendation.

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14 IT IS SO ORDERED.

15 Dated: March 2, 2018

  
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16 SENIOR DISTRICT JUDGE

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