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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT LEE GRIFFIN,  
Petitioner,  
v.  
JOEL D. MARTINEZ,  
Respondent.

No. 1:17-cv-01137-DAD-JDP  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND GRANTING  
STAY PENDING EXHAUSTION  
(Doc. Nos. 9, 17)

Petitioner is proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 of the United States District Court for the Eastern District of California.

On March 29, 2018, the assigned magistrate judge issued findings and recommendations recommending that petitioner’s motion to stay the petition be granted and that the case be held in abeyance pending petitioner’s exhaustion of his unexhausted claims in state court. (Doc. No. 17.) The findings and recommendations were served on all parties with notice that any objections thereto were to be filed within fourteen days. No objections were filed and the time for doing so has passed.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), the undersigned has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the

1 undersigned concludes that the magistrate judge's findings and recommendations are supported  
2 by the record and proper analysis.

3 For these reasons:

- 4 1. The findings and recommendations issued March 29, 2018 (Doc. No. 17) are adopted in  
5 full;
- 6 2. Petitioner's motion to stay the pending petition and hold it in abeyance (Doc. No. 9) is  
7 granted;
- 8 3. The action is stayed pursuant to *Kelly v. Small*, 315 F.3d 1063 (9th Cir. 2003), pending  
9 exhaustion of state court remedies on petitioner's unexhausted claims;
- 10 4. Petitioner shall file a status report every 90 days, commencing with the date of service of  
11 this order, detailing petitioner's progress in exhausting his unexhausted claims in state  
12 court;
- 13 5. Petitioner shall file a motion to lift the stay within 30 days of the California Supreme  
14 Court issuing a final order resolving petitioner's unexhausted claims; and
- 15 6. Petitioner shall file an amended petition containing all claims, including newly exhausted  
16 claims, with his motion to lift the stay.

17 IT IS SO ORDERED.

18 Dated: June 22, 2018

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21 UNITED STATES DISTRICT JUDGE  
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