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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE LUIS KELLY CUEVAS,
Petitioner,
v.
J. SULLIVAN,
Respondent.

Case No. 1:18-cv-01281-LJO-JDP

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DENY
RESPONDENT’S MOTION TO DISMISS
AND PETITIONER’S MOTION FOR STAY

ECF Nos. 26, 28

Petitioner Jose Luis Kelly Cuevas, a state prisoner without counsel, seeks a writ of habeas corpus under 28 U.S.C. § 2254. ECF No. 8. The court has referred this matter to a magistrate judge under 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 19, 2019, the assigned magistrate judge issued findings and recommendations that the court deny respondent’s motion to dismiss and petitioner’s motion for stay. ECF No. 28. Petitioner has filed timely objections. ECF No. 32.

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

Accordingly, IT IS ORDERED that:

1. The findings and recommendations issued by the magistrate judge on August 19, 2019, ECF No. 28, are adopted in full;

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2. Respondent’s motion to dismiss, ECF No. 19, is denied;
3. Petitioner’s motion for stay, ECF No. 26, is denied;
4. Respondent’s motion for reconsideration, ECF No. 31, is denied; and
5. The matter is referred back to the magistrate judge for further proceedings and briefing on the merits.

IT IS SO ORDERED.

Dated: September 11, 2019

/s/ Lawrence J. O’Neill
UNITED STATES CHIEF DISTRICT JUDGE