

1 exhausts any unexhausted claims in state court.¹ (*Id.*) These findings and recommendations were
2 served upon all parties and contained notice that any objections were to be filed within twenty-
3 one (21) days from the date of service of that order. (*Id.* at 6.) On March 8, 2021, petitioner filed
4 objections to the magistrate judge's findings and recommendations. (Doc. No. 30.)

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the
6 court has conducted a *de novo* review of the case. Having carefully reviewed the entire file,
7 including petitioner's objections, the court concludes that the magistrate judge's findings and
8 recommendations are supported by the record and proper analysis. Petitioner's objections present
9 no grounds for questioning the magistrate judge's analysis.

10 Accordingly, the court orders as follows:

- 11 1. The findings and recommendations, filed February 12, 2021 (Doc. No. 29), are
12 adopted in full;
- 13 2. Respondent's motion to dismiss (Doc. No. 23) is granted in part; and
- 14 3. Within thirty (30) days, petitioner shall file a notice with the court indicating how
15 he wishes to proceed:
 - 16 (a) Dismiss his unexhausted claims and proceed only on his exhausted claim in
17 this federal habeas proceeding;
 - 18 (b) Seek a stay and abeyance under the *Kelly* procedure; or
 - 19 (c) Seek a stay and abeyance under the *Rhines* procedure.

20 IT IS SO ORDERED.

21 Dated: April 15, 2021

22 
UNITED STATES DISTRICT JUDGE

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26 _____
27 ¹ The findings and recommendations also explained the two different procedures available in
28 pursuing a stay of these federal habeas proceedings, as well as the relative advantages and
disadvantages of each. (Doc. No. 29 at 3-5) (citing *Rhines v. Weber*, 544 U.S. 269 (2005) and
Kelly v. Small, 315 F.3d 1063 (9th Cir. 2003)).