UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

PEDRO MENDOZA,

Petitioner,

v.

JEFFREY BEARD,

Respondents.

No. 2:98-cv-01857-MCE-GGH

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a 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.

On April 14, 2015, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within 21 days. Petitioner has not filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) 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 by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed April 14, 2015 (ECF No. 46), are ADOPTED in full;

2. Respondent's motion to dismiss the petition for failure to prosecute, filed on November 4, 2014 (ECF No. 40), is DENIED;

3. Petitioner has forfeited the right to seek further stays regarding his competency claim; and

4. Respondent is directed to file an answer to the amended petition (ECF No. 26) within sixty days.

IT IS SO ORDERED.

Dated: June 8, 2015

MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT