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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	LEE MAX BARNETT,	No. 2:99-cv-02416-DAD-DMC (HC) (DP)
12	Petitioner,	
13	v.	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND GRANTING PETITIONER'S MOTION FOR STAY AND ABEYANCE
14	RON BROOMFELD,	
15	Respondent.	(Doc. Nos. 397, 403)
16		(Doc. 1108. 397, 403)
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18	Petitioner Lee Max Barnett is a state prisoner proceeding with counsel with a petition for	
19	writ of habeas corpus pursuant to 28 U.S.C. § 2254.	
20	On August 3, 2022, the assigned magistrate judge issued findings and recommendations,	
21	recommending that petitioner's motion for a stay and abeyance order be granted. (Doc. Nos. 397,	
22	403.) The findings and recommendations were served on the parties and contained notice that	
23	any objections were to be filed within fourteen (14) days from the date of service of that order.	
24	To date, no party has filed objections, and the time in which to do so has now passed.	
25	In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a	
26	de novo review of the case. Having carefully reviewed the entire file, the court finds the findings	
27	and recommendations to be supported by the record and proper analysis.	
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## Case 2:99-cv-02416-DAD-DMC Document 405 Filed 01/24/23 Page 2 of 2 1 Accordingly, 2 1. The findings and recommendations issued on August 3, 2022 (Doc. No. 402) are 3 adopted in full; 2. Petitioner's motion for stay and abeyance to permit exhaustion of claims in state 4 5 court, filed November 22, 2021 (Doc. No. 397) is granted; 6 3. This action is stayed pursuant to *Kelly v. Small*, 315 F.3d 1063 (9th Cir. 2003), 7 overruled on other grounds by Robbins v. Carrey, 481 F.3d 1143 (9th Cir. 2007); 4. Petitioner is directed to file a status report within ninety (90) days of the date of 8 9 this order advising the court the status of the state court proceedings, and shall file 10 an additional status report every ninety (90) days thereafter; and 11 5. Within thirty (30) days after the state court issues a final order resolving the 12 unexhausted claims, petitioner shall file a motion to lift the stay and an amended 13 habeas petition setting forth all exhausted claims. 14 IT IS SO ORDERED. 15 Dated: **January 23, 2023** 16 17 18 19 20 21 22 23 24 25 26 27 28