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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MILTON OTIS LEWIS,

Petitioner,

No. CIV S-02-0013 FCD GGH DP

vs.

DEATH PENALTY CASE

ROBERT AYERS, Warden,

Respondent.

ORDER

_____ /

On January 26, 2010, 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 fourteen days. Petitioner filed objections on February 9, 2010; respondent filed a response to the objections on February 24, 2010.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed January 26, 2010, are adopted in full;

and

2. For the reasons outlined in the findings and recommendations, petitioner's (counsel's) motion (docket #128), in response to the court's inquiry, to have himself declared incompetent and to have these proceedings stayed is denied.

DATED: September 1, 2010.


FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE