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

WILLIE BAILEY,

Petitioner,

2:02-cv-1246-GEB-GGH-P

vs.

SCOTT KERNAN, et al.,

Respondents.

AMENDED ORDER

_____ /
The order adopting the May 1, 2007 findings and recommendations, which was filed on July 9, 2007, is amended as follows:

Petitioner, a state prisoner proceeding through counsel, 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 General Order No. 262.

On May 1, 2007, 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 twenty days. Petitioner has filed objections to the findings and recommendations.

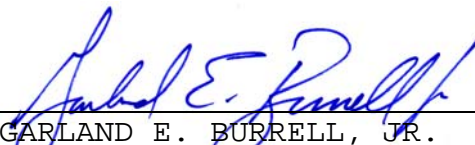
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the

1 entire file, the court finds the findings and recommendations to be supported by the record and
2 by proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed May 1, 2007, are adopted in full; and
5 2. Respondent's April 20, 2006, motion to vacate the stay is granted in part and
6 the stay entered in this case on October 2, 2003 is vacated nunc pro tunc; and all claims
7 unexhausted at the time are finally dismissed; and this case shall proceed only upon the
8 exhausted claims in the original petition.

9 Dated: July 16, 2007

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GARLAND E. BURRELL, JR.
United States District Judge