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

10 LARRY DUN,

11 Petitioner,

No. CIV S-05-2092 WBS GGH P

12 vs.

13 ROSANNE CAMPBELL, Warden, et al.,

14 Respondents.

ORDER

15 \_\_\_\_\_/  
16 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of  
17 habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States  
18 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

19 On October 31, 2008, the magistrate judge filed findings and recommendations  
20 herein which were served on all parties and which contained notice to all parties that any  
21 objections to the findings and recommendations were to be filed within twenty days. Neither  
22 party has filed objections to the findings and recommendations.

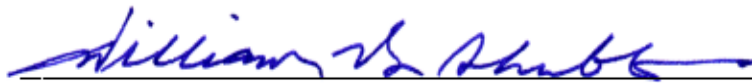
23 The court has reviewed the file and finds the findings and recommendations to be  
24 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY  
25 ORDERED that:

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1           1. The findings and recommendations filed October 31, 2008, are adopted in full;  
2 and

3           2. This action is administratively stayed pending the Ninth Circuit's decision in  
4 Hayward v. Marshall, 512 F.3d 536 (9<sup>th</sup> Cir. 2008), *reh'g en banc granted*, \_\_\_ F.3d \_\_\_, No. 06-  
5 55392 (9<sup>th</sup> Cir. filed May 16, 2008).

6 DATED: January 7, 2009

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WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE