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

DAVID F. BARGHOORN,

No. 2:07-cv-01996-MCE-DAD P

Petitioner,

vs.

ORDER

KEN CLARK, Warden,

Respondent.

_____ /

Petitioner, a state prisoner proceeding pro se, has filed an 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 December 1, 2008, 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. Neither party has filed objections to the findings and recommendations.

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:

- 1 1. The findings and recommendations filed December 1, 2008, are adopted in full;
2 2. Petitioner's September 22, 2008 request for a stay and abeyance (Doc. No. 19) is
3 granted;
4 3. Petitioner is ordered to present all unexhausted claims to the California Supreme Court
5 in a further state habeas corpus petition to be filed within thirty days from the date of this order;
6 4. This action is stayed and the Clerk of the Court is directed to administratively close
7 the case;
8 5. Petitioner is ordered to file and serve a status report in this case on the first court day
9 of each month; and
10 6. Petitioner is ordered to file and serve a motion to lift the stay of this action, along with
11 a proposed amended petition containing only exhausted claims, within thirty days after petitioner
12 is served with the California Supreme Court's order disposing of the state exhaustion petition.

13 Dated: January 14, 2009



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15 MORRISON C. ENGLAND, JR.
16 UNITED STATES DISTRICT JUDGE
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