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

G.W. RENNELS,

Petitioner,

No. CIV S-07-2581 WBS EFB P

vs.

D.K. SISTO, et al.,

Respondents.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, 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 Rule 302.

On December 17, 2009, 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-one days. Petitioner has filed objections to the findings and recommendations.¹

///

¹ In his January 14, 2010 objections, petitioner requested an extension of time until February 8, 2010 to file an amended petition. This request will be denied as unnecessary. Petitioner's amended petition shall be filed within thirty days of this order, not the filing date of the magistrate judge's findings and recommendations.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
2 304, this court has conducted a de novo review of this case. Having carefully reviewed the
3 entire file, the court finds the findings and recommendations to be supported by the record and
4 by proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. The findings and recommendations filed December 17, 2009, are adopted in
7 full;

8 2. Respondent's July 27, 2009 motion to dismiss is granted;

9 3. Petitioner is given 30 days to file an amended petition deleting the
10 unexhausted claims and is admonished that failure to file an amended petition will result in the
11 dismissal


12 of this action without prejudice;

13 4. The Clerk of the Court is directed to send petitioner the form for filing a
14 petition for writ of habeas corpus;

15 5. Respondent is ordered to respond to any amended petition within twenty-one
16 days after petitioner's filing; and

17 6. Petitioner's January 14, 2010, request for an extension of time is denied as
18 unnecessary.

19 DATED: February 25, 2010

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21 WILLIAM B. SHUBB
22 UNITED STATES DISTRICT JUDGE
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