

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

KURT ABRON,

Petitioner,

No. CIV S-08-1468 WBS KJM P

vs.

D.K. SISTO,

Respondent.

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 General Order No. 262.

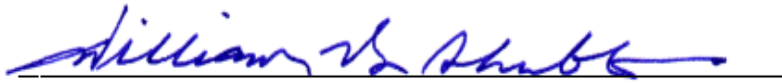
On August 3, 2009, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Petitioner has filed objections to the findings and 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 entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The findings and recommendations filed August 3, 2009, are adopted in full;
- 3 2. Petitioner's request for a stay (Docket No. 16) is denied; and
- 4 3. Respondent's motion to dismiss (Docket No. 14) is granted and the petition is
- 5 dismissed without prejudice for failure to exhaust state remedies.

6 DATED: August 26, 2009

7 
8 WILLIAM B. SHUBB
9 UNITED STATES DISTRICT JUDGE

10

11

12 /abro1468.805hc

13

14

15

16

17

18

19

20

21

22

23

24

25

26