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

HOUA LAO,

No. 2:08-cv-03171-MCE-EFB P

Petitioner,

vs.

ORDER

FRANCISCO JACQUES, Warden,

Respondent.

_____ /


Petitioner, a state prisoner proceeding through counsel, 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 Rule 302.

On August 12, 2010, 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 fourteen 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 August 12, 2010, are adopted in full;
2 2. Respondent's September 4, 2009 motion to dismiss is denied;
3 3. Petitioner's November 23, 2009 motion to stay is denied as moot;
4 4. Respondent is directed to file an answer in response to petitioner's April 1,
5 2009 application within 60 days from the date of this order. *See* Rule 4, Fed. R. Governing
6 § 2254 Cases. Respondent is further directed to include with his response any and all transcripts
7 or other documents relevant to the determination of the issues presented in the application. *See*
8 Rules 4, 5, Fed. R. Governing § 2254 Cases; and
9 5. Petitioner's reply, if any, shall be filed and served within 30 days of service of
10 an answer.

11 Dated: September 24, 2010

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