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

JELANI KITWANA HOWARD,

Petitioner,

2:09-cv-0149-GEB-JFM-HC

vs.

MATTHEW CATE,

Respondent.

ORDER

_____ /

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 October 9, 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. 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:

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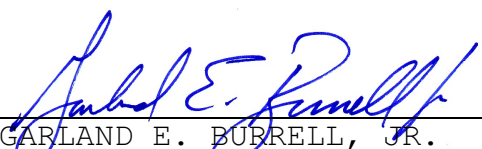
1. The findings and recommendations filed October 9, 2009, are adopted in full;

2. Petitioner's January 15, 2009 application to hold the petition in abeyance is denied;

3. Within thirty days from the date of this order, petitioner shall file an amended petition raising only exhausted claims; and

4. Thirty days thereafter, respondent shall inform the court whether he will file an amended answer or will stand on the answer filed August 10, 2009; petitioner's reply shall be filed thirty days thereafter.

Dated: October 28, 2009



GARLAND E. BURRELL, JR.
United States District Judge