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

JASON WILBERT JOHNSON,

Petitioner,

No. CIV S-09-2108 JAM EFB P

VS.

FRANCISCO JACQUEZ, Warden,

Respondent.

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.

ORDER

On September 13, 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.

Respondent has filed objections to the findings and recommendations

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In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a <u>de novo</u> 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.

Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations filed September 13, 2010, are adopted in full; 2. Petitioner's motion to stay the case pending the exhaustion of his unexhausted claims is granted; 3. Petitioner is directed to file a state habeas petition containing his unexhausted claims within 30 days and is admonished that he shall inform this court within 30 days after his claims are exhausted in state court; and 4. Respondent's motion to dismiss is denied. DATED: 3/1/2011 /s/ John A. Mendez UNITED STATES DISTRICT JUDGE