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

LAWRENCE COX,

Petitioner,

No. CIV S-09-2135 LKK DAD P

vs.

LARRY SMALL, Warden,

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 August 25, 2009, the magistrate judge filed findings and recommendations herein which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within twenty days. Petitioner has not 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 1. The findings and recommendations filed August 25, 2009, are adopted in full;

2 2. Petitioner's July 21, 2009 motion for a stay and abeyance (Doc. No. 4) is
3 granted;


4 3. In the event that all of petitioner's unexhausted claims that he wishes to present
5 to this court were not included in his state habeas petition pending before the California Supreme
6 Court, petitioner is ordered to present all unexhausted claims to the California Supreme Court in
7 a further state habeas corpus petition to be filed within thirty days;

8 4. This action is stayed and the Clerk of the Court is directed to administratively
9 close the case;

10 5. Petitioner is ordered to file and serve a status report in this case on the first
11 court day of each month; and

12 6. Petitioner is ordered to file and serve a motion to lift the stay of this action,
13 along with a proposed amended petition containing only exhausted claims, within thirty days
14 after petitioner is served with the California Supreme Court's order disposing of the state
15 exhaustion petition.

16 DATED: October 26, 2009.

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19 LAWRENCE K. KARLTON
20 SENIOR JUDGE
21 UNITED STATES DISTRICT COURT
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