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

TIMOTHY ELLIS ROSS,

Petitioner,

No. CIV S-09-2444 LKK GGH P

vs.

D.K. SISTO,

Respondent.

ORDER

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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.

On July 23, 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 and petitioner has filed a reply.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 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 July 23, 2010, are adopted in full;

3 2. Respondent's motion to dismiss (doc. 12) is denied;

4 3. Petitioner is granted a stay pursuant to Rhines v. Weber, 544 U.S. 269, 125  
5 S.Ct. 1528 (2005);

6 4. The proceedings are stayed pending exhaustion of state remedies;

7 5. Petitioner is directed to file a status report of his progress in the state courts  
8 within thirty (30) days, and then every thirty (30) days thereafter until exhaustion is complete;

9 6. Within thirty (30) days after the final order of the California Supreme Court,  
10 petitioner must file an amended petition in this court including his fully exhausted claims; and

11 7. Petitioner's failure to comply with these directives will result in the district  
12 court's vacating the stay.

13 DATED: August 30, 2010.

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16 LAWRENCE K. KARLTON  
17 SENIOR JUDGE  
18 UNITED STATES DISTRICT COURT  
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