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

STEVEN MICHAEL SPLAWN,

Petitioner,

No. CIV S-10-0121 JAM EFB P

vs.

MATTHEW CATE,

Respondent.

ORDER

_____ /

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 May 5, 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.¹

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

¹ Petitioner’s counsel has already filed the amended petition contemplated by the magistrate judge’s findings and recommendations. Dckt. No. 21.

1 ORDERED that:

2 1. The findings and recommendations filed May 5, 2010, are adopted in full;

3 2. Petitioner's motion to stay is denied;

4 3. Respondent's motion to dismiss is granted;

5 4. Respondent shall file and serve either an answer or a motion in response to
6 petitioner's amended petition within 60 days from the date of this order. *See* Rule 4, Fed. R.

7 Governing § 2254 Cases. Any response shall be accompanied by any and all transcripts or other
8 documents relevant to the determination of the issues presented in the application. *See* Rules 4,
9 5, Fed. R. Governing § 2254 Cases; and

10 5. Petitioner's reply, if any, shall be filed and served within 30 days of service of
11 an answer.

12 DATED: August 18, 2010

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14 /s/ John A. Mendez

15 U. S. DISTRICT COURT JUDGE
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