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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY A. CHATMAN,
Petitioner,
v.
M. S. EVANS,
Respondent.

No. 2:10-cv-0264 KJM CKD P

ORDER

Petitioner, a state prisoner proceeding through counsel, has filed this application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 15, 2015, the magistrate judge filed findings and recommendations, 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 to respondent's objections.

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 reviewed the file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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In his reply to respondent's objections, petitioner represents that the California Supreme Court has denied his petition for writ of habeas corpus, that all of the claims raised in his second amended petition are now exhausted, and that his motion to stay is therefore moot. The motion to stay will therefore be denied as moot.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 15, 2015, are adopted in part;
2. Petitioner's motion to amend (ECF No. 65) is granted;
3. Petitioner's motion to stay this action pending exhaustion of state remedies as to new claims in the second amended petition (ECF No. 66) is denied as moot; and
4. This matter is referred back to the assigned magistrate judge for further proceedings.

DATED: February 3, 2016.


UNITED STATES DISTRICT JUDGE