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

DONALD JOSEPH BERRY,

Petitioner,

No. 2:10-cv-0305 WBS JFM (HC)

vs.

FRANCISCO JACQUEZ,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding through counsel, 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 October 5, 2011, 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.

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.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 5, 2011, are adopted in full;

and

2. Petitioner's April 11, 2011 request to stay this action is granted.

DATED: December 1, 2011



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

/berr0305.806hc