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

ORVAL D. FLANNERY,

Petitioner,

No. CIV S-10-0950 MCE GGH P

vs.

TIM VIRGA, Warden,

ORDER

Respondent.

\_\_\_\_\_ /

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 Rule 302.

On August 16, 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.

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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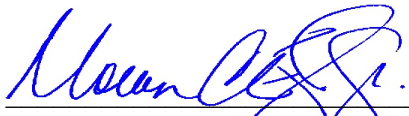
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1. The findings and recommendations filed August 16, 2010, are adopted in full;

2. Petitioner's motion for a stay under Rhines [v. Weber, 544 U.S. 269, 125 S. Ct. 1528 (2005)] filed on April 14, 2010 (docket # 2), is granted, pending exhaustion of claim three; and

3. Petitioner is directed to inform this court and file a request to lift the stay within twenty-eight days of a decision by the California Supreme Court concluding state court habeas review.

Dated: September 24, 2010

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE