

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

DANNY RAY HORNING,

Petitioner,

No. CIV S-10-1932 JAM GGH

vs.

DEATH PENALTY CASE

MICHAEL MARTEL,

Respondent.

ORDER

_____ /

On November 28, 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 twenty 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:

1. The findings and recommendations filed November 28, 2011, are adopted in full; and

\\\\\\

\\\\\\

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

2. Petitioner's motion to stay this federal proceeding pending exhaustion of new claims in state court (docket #29) is granted.

DATED: January 18, 2012

/s/ John A. Mendez
UNITED STATES DISTRICT JUDGE