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

NORMAN CHARLES PICKETT, JR.,

Petitioner,

No. 2:10-cv-2223 GEB KJN P

vs.

RANDY GROUNDS, Warden,

Respondent.

ORDER

_____ /

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 September 23, 2010, the magistrate judge filed findings and recommendations herein which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within twenty-one days. Petitioner has filed objections to the findings and recommendations.

Petitioner asks the court to stay this case pending the Ninth Circuit’s ruling on his request to file a second or successive petition. Title 28 U.S.C. § 2244(3)(A) states:

Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district

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court to consider the application.

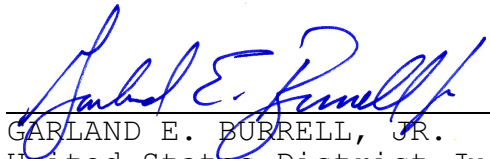
28 U.S.C. § 2244(3)(A). Therefore, petitioner must first obtain authorization from the Ninth Circuit before he files a petition in the Eastern District. Petitioner's request will be denied.

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.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed September 23, 2010, are adopted in full;
2. Petitioner's request to stay this case is denied; and
3. This action is dismissed without prejudice.

Dated: November 10, 2010



GARLAND E. BURRELL, JR.
United States District Judge