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

SEAN NICHOLAS COYLE,

Petitioner,

No. 2:11-cv-0016 MCE CKD P

vs.

M. MCDONALD, Warden,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding *pro se*, 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 July 13, 2012, the magistrate judge filed findings and recommendations herein (ECF No. 54) 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-one days.

Petitioner has filed objections to the findings and recommendations.

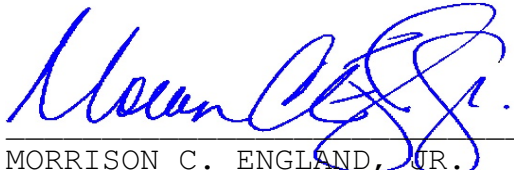
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, including the objections, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed July 13, 2012, are ADOPTED IN FULL;
2. The motion to dismiss for failure to exhaust state court remedies (ECF No. 14) is GRANTED WITH LEAVE TO AMEND;
3. Petitioner is granted thirty days from the date of this order in which to file an amended petition containing only exhausted claims; and
4. The motion to stay (ECF No. 19.) is DENIED.

Dated: August 30, 2012

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE