

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

RICHARD DEWAYNE BASSETT,

Petitioner,

No. CIV S-11-1592 JAM GGH P

vs.

MIKE McDONALD, Warden, et al.,

Respondents.

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 27, 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. 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
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

1. The findings and recommendations filed September 27, 2011, are adopted in full; and

2. Petitioner's motion for a stay, filed on August 15, 2011 (docket # 20), is granted and this matter is stayed pursuant to King v. Ryan, 564 F.3d 1133 (9th Cir. 2009), pending exhaustion of state court remedies of unexhausted claims; and

3. Petitioner is directed, immediately upon exhaustion, to inform the court and to file an amended petition containing all of his exhausted claims.

DATED: November 10, 2011

/s/ John A. Mendez
UNITED STATES DISTRICT COURT JUDGE