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

MARCOS AVALOS,

Petitioner,

No. 2:12-cv-0052 LKK JFM P

vs.

GREGG LEWIS, 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 August 2, 2012, 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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- 1 1. The findings and recommendations filed August 2, 2012, are adopted in full;
2 2. Petitioner's June 4, 2012 motion for stay and abeyance is granted;
3 3. This action is stayed pending exhaustion of state court remedies as to
4 petitioner's unexhausted claims;
5 4. Petitioner shall present his claims to the state court within thirty days from the
6 date of this order;
7 5. Petitioner shall file a motion to lift the stay within thirty days of any final
8 decision by the California Supreme Court on the unexhausted claims;
9 6. Respondent's March 19, 2012 motion to dismiss is denied without prejudice;
10 and
11 7. The Clerk of the Court is directed to administratively close this action.

12 DATED: September 14, 2012.

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16 LAWRENCE K. KARLTON
17 SENIOR JUDGE
18 UNITED STATES DISTRICT COURT
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