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

DANIEL SETH MACIEL,

Petitioner,

No. 2:12-cv-1023 MCE GGH P

vs.

WILLIAM KNIPP,

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 May 4, 2012, the magistrate judge filed findings and recommendations herein (ECF No. 8) 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. The findings and recommendations filed May 4, 2012 (ECF No. 8), are adopted in full; and

2. Petitioner's April 18, 2012 (ECF No. 2), request for a stay of proceedings, pursuant to Kelly v. Small, is GRANTED;

3. Petitioner is directed to proceed to exhaust his state remedies forthwith; and

4. Petitioner is further directed to inform the Court, within thirty (30) days of a decision by the state's highest court exhausting his new claims, and to request a lift of the stay as well as to file an amended petition setting forth all of his claims.

Dated: July 13, 2012



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE