1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 DEREK MARTINEZ, No. 2:12-cv-2273 WBS DAD P 12 Petitioner, 13 **ORDER** v. 14 DIRECTOR OF CDCR, 15 Respondent. 16 17 Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas 18 corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate 19 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On August 7, 2013, the magistrate judge filed findings and recommendations herein 21 which were served on all parties and which contained notice to all parties that any objections to 22 the findings and recommendations were to be filed within fourteen days. Petitioner has filed 23 objections to the findings and recommendations. 24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this 25 court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the entire file, the 26 court finds the findings and recommendations to be supported by the record and by proper 27 analysis. ///// 28 1

## Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations filed August 7, 2013, are adopted in full; 2. Petitioner's motion for a stay and abeyance (Docket No. 4) is denied; and 3. Petitioner is directed to file a second amended petition containing only his exhausted claims within 30 days of the date of this order. Dated: September 6, 2013 UNITED STATES DISTRICT JUDGE /mart2273.805hc