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

AUSTIN BILLY WILLIS, III,
Petitioner,
v.
HEIDI H. LACKNER,
Respondent.

No. 2:13-CV-1599-TLN-CMK-P

ORDER

Petitioner, a state prisoner proceeding pro se, brings this petition 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 Eastern District of California local rules.

On March 2, 2015, the Magistrate Judge filed amended findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. No objections to the findings and recommendations have been filed. While Respondent has filed a “response” to the amended findings and recommendation, Respondent requests that they be adopted without prejudice to addressing the issue in full in the answer to the petition.

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.

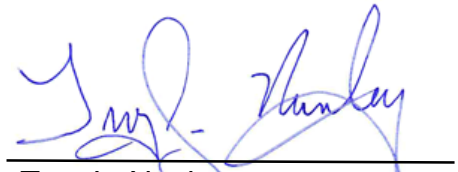
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Accordingly, IT IS HEREBY ORDERED that:

1. The amended findings and recommendations filed March 2, 2015, are adopted in full;
2. Respondent's motion to dismiss (Doc. 16) is denied without prejudice;
3. Petitioner's motion for a stay (Doc. 21) is denied as unnecessary; and
4. Respondent is directed to file an answer to Petitioner's petition for a writ of habeas corpus within 30 days of the date of this order.

Dated: October 8, 2015



Troy L. Nunley
United States District Judge