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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL SANUDO,
Petitioner,
v.
FRED FOULK,
Respondent.

No. 2:14-cv-0068 GEB AC P

ORDER

Petitioner, a state prisoner, 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 1, 2014, 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. 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. The findings and recommendations filed May 1, 2014 are adopted;
2. Petitioner’s motion to stay his federal habeas petition (ECF No. 3) is denied as moot;

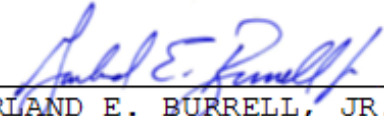
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3. Respondent's motion to dismiss the original mixed petition without prejudice (ECF No. 13) also is denied as moot;

4. Petitioner's motion to lift the stay (ECF No. 18) is denied as unnecessary since no stay was ever entered by the district court; and

5. Respondent is directed to file an answer to the first amended federal habeas corpus petition (ECF No. 17) within 60 days.

Dated: May 27, 2014



GARLAND E. BURRELL, JR.
Senior United States District Judge