1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 ANTHONY COOPER, No. 2:14-cv-0453 KJM AC P 12 Plaintiff, 13 v. **ORDER** 14 K. JONES, 15 Defendant. 16 17 Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil 18 rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States 19 Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On February 13, 2017, the magistrate judge filed findings and recommendations, which 21 were served on all parties and which contained notice to all parties that any objections to the 22 findings and recommendations were to be filed within fourteen days. ECF No. 38. Neither party 23 has filed objections to the findings and recommendations. 24 The court presumes that any findings of fact are correct. See Orand v. United States, 602 25 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. 26 See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed 27 the file, the court finds the findings and recommendations to be supported by the record and by 28 the proper analysis. 1

Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed February 13, 2017, are adopted in full with the exception that it will be plaintiff, rather than defendant, who will be required to notify the court at the conclusion of the state court proceedings and to address, initially, whether this action should proceed or be dismissed.
 - 2. Defendant's motion to stay this action, ECF No. 34, is granted.
- 3. This action is stayed pending final resolution of plaintiff's related state court case, Sacramento County Superior Court Case No. 34-2011-00111910.
- 4. Within thirty days after final resolution of the above-noted state court case, plaintiff shall file and serve a statement so informing this court, together with a supported statement addressing whether this federal action should proceed and, if so, on what grounds; defendant shall file and serve a responsive statement within twenty-one days after the filing date of plaintiff's statement.

DATED: March 13, 2017

UNITED STATES DISTRICT JUDGE