1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 KENNETH O. OWENS, No. 2:15-cv-01286 KJM GGH 12 Petitioner. 13 v. **ORDER** 14 PEOPLE OF THE STATE OFCALIFORNIA, et al. 15 Respondents. 16 17 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas 18 corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as 19 provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On July 20, 2015, the magistrate judge filed findings and recommendations, which were 21 served on petitioner and which contained notice to petitioner that any objections to the findings 22 and recommendations were to be filed within fourteen days. Petitioner has filed objections to the 23 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 de novo review of this case. Having reviewed the file, the court finds the 26 findings and recommendations to be supported by the record and by the proper analysis. 27 The court writes separately to note that petitioner's objections are also responsive to the 28 magistrate judge's order to show cause why the petition should not be dismissed for failure to 1

exhaust state court remedies. Petitioner appears to acknowledge that he has not exhausted state court remedies with respect to any of the three claims in the petition before the court, and that those claims are pending before the state court of appeal. See ECF No. 9 at 3. Given that acknowledgement, for the reasons set forth in the findings and recommendations this court has no authority to stay this action. Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations filed July 20, 2015, are adopted in full; 2. Petitioner's motion for stay and abeyance, ECF No. 2, is DENIED; and 3. This matter is referred back to the magistrate judge for further proceedings on the July 20, 2015 order to show cause. DATED: October 7, 2015.