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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENNIS NEWTON ERVINE,

No. 2:15-cv-01916-TLN-DB

Petitioner,

v.

WARDEN, San Quentin State Prison,

ORDER

Respondent.

Petitioner, a condemned 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 January 10, 2018, 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 days. (ECF No. 54.) Neither party has filed objections to the findings and recommendations.

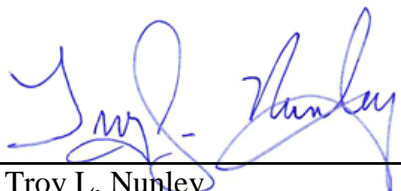
The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed January 10, 2018 (ECF No. 54), are adopted in full;

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- 2. Petitioner's Motion for Stay/Abeyance (ECF No. 37) is granted;
- 3. Respondent's Motion to Dismiss (ECF No. 33) is denied; and
- 4. Petitioner is ordered to file a notice with this Court within thirty days of a decision by the California Supreme Court on his exhaustion petition.

Dated: March 5, 2018



Troy L. Nunley
United States District Judge