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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed February 17, 2017, are adopted in full;
2. Respondent's motion to dismiss (ECF No. 14) is denied without prejudice;
3. Petitioner's motion for stay and abeyance (ECF No. 20) is denied without prejudice;
4. Petitioner shall file, within thirty days of the date of service of this order, a brief addressing respondent's argument that petitioner's sentence is nineteen years to life, not four years as alleged in the petition; and
5. This matter is referred back to the Magistrate Judge for further proceedings.

DATED: March 20, 2017


UNITED STATES DISTRICT JUDGE