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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RYAN BIGOSKI ODOM,  
Petitioner,  
v.  
D.G. ADAMS, Warden,  
Respondent.

No. 2:17-cv-0233 JAM AC P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this 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 November 4, 2019, 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 twenty-one days. ECF No. 32. Petitioner has filed objections to the findings and recommendations. ECF No. 33.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed November 4, 2019 (ECF No. 32), are adopted in full;
2. Petitioner’s request for a stay (ECF No. 31 at 3) is denied;
3. Respondent’s motion to dismiss (ECF No. 27) is granted;
4. Claims Two and Four of the first amended petition are dismissed without prejudice as unexhausted;
5. Claims Five, Six, and Seven of the first amended petition are dismissed as untimely;
6. Respondent shall file a response to Claims One and Three of the first amended petition within sixty days from the date of this order. See Rule 4, 28 U.S.C. foll. § 2254. An answer shall be accompanied by all transcripts and other documents relevant to the issues presented in the petition. See Rule 5, 28 U.S.C. foll. § 2254. Petitioner’s reply, if any, shall be filed and served within thirty days after service of the answer.

DATED: January 22, 2020

/s/ John A. Mendez  
UNITED STATES DISTRICT COURT JUDGE