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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFERY JON MILLS,
Petitioner,
v.
RONALD DAVIS,
Respondent.

No. 2:17-cv-2195 WBS DB
DEATH PENALTY CASE
ORDER

Petitioner, a state prisoner proceeding pro se, 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 November 5, 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 fourteen days. 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 November 5, 2019 (ECF No. 42) are adopted in full;

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2. Petitioner’s April 21, 2017 Motion for Stay/Abeyance (ECF No. 39) is granted;

3. Petitioner shall file an exhaustion petition in the appropriate state court within forty-five days of the date of this order;

4. This case is stayed and held in abeyance pending the California Supreme Court’s resolution of petitioner’s exhaustion petition; and

5. Petitioner shall file a request to lift the stay within thirty days of the California Supreme Court’s decision on petitioner’s exhaustion petition.

Dated: November 27, 2019


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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