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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL CHERVENY,
Petitioner,
v.
ERIC ARNOLD,
Respondent.

No. 2:17-cv-2528 MCE GGH

ORDER

Petitioner is proceeding pro se and in forma pauperis in this habeas matter which was assigned to the magistrate judge pursuant to eastern District of California Local Rule 302(c)(17). On March 1, 2018 the magistrate issued Findings and Recommendations recommending that the petitioner’s Motion for a Stay and Abeyance pursuant to Rhines v. Weber, 544 U.S. 269 (2005), ECF No. 5, be granted. ECF No. 8. Petitioner was granted twenty-one (21) days to object and were cautioned that failure to file objections within that time may waive the right to appeal the District Court’s Order. Id. No objections have been filed.

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 reviewed the file and the magistrate judge’s findings and recommendations the court ADOPTS the findings and recommendations in full.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's Motion for Stay and Abeyance is GRANTED;
2. Petition shall file a writ of habeas corpus with the California Supreme Court within 45 days of the issuance of this Order.

IT IS SO ORDERED.

Dated: April 20, 2018


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE