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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AJAY KUMAR DEV,
Petitioner,
v.
JOE LIZARRAGA, Warden,
Respondent.

No. 2:18-cv-1972 KJM AC P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 10, 2018, the magistrate judge filed findings and recommendations, which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within fourteen days. ECF19. Petitioner has not filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed August 10, 2018, are adopted in full;

2. Petitioner’s motion to stay and obey this action under *Rhines v. Weber*, 544 U.S. 269 (2005), ECF No. 2, is GRANTED;

3. Petitioner is directed to file in this court, within thirty (30) days after the filing date of the California Supreme Court’s final order resolving petitioner’s unexhausted claims, a motion to lift the stay and a motion to file an amended petition for writ of habeas corpus, together with a proposed First Amended Petition; and

4. The Clerk of the Court is directed to administratively close this case for the duration of the stay.

DATED: September 12, 2018.


UNITED STATES DISTRICT JUDGE