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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TERRY LEE MONTGOMERY,
Petitioner,
v.
JARED LOZANO, et al.,
Respondents.

No. 2:20-cv-0515 JAM AC P

FINDINGS & RECOMMENDATIONS

Petitioner, a state prisoner proceeding pro se with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, has filed a motion for a stay. ECF No. 17. The motion seeks a stay on the ground that petitioner currently has an SB620 petition pending in state court. Id. The undersigned has already issued Findings and Recommendations which recommend dismissal of the petition because it fails to state any cognizable claims for relief. ECF No. 7. Because the resolution of the state court petition would not cure the defects identified in the Findings and Recommendations, the request for stay should be denied.

Accordingly, IT IS HEREBY RECOMMENDED that petitioner’s motion for a stay, ECF No. 17, be DENIED.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written

1 objections with the court and serve a copy on all parties. Such a document should be captioned
2 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
3 objections shall be filed and served within fourteen days after service of the objections. The
4 parties are advised that failure to file objections within the specified time may waive the right to
5 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: December 17, 2020

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9 ALLISON CLAIRE
10 UNITED STATES MAGISTRATE JUDGE
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