



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

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The findings and recommendations filed October 30, 2020, are adopted in full.

6 2. Respondent's motion to dismiss claims 2, 3 and 4 of the federal habeas corpus petition  
7 (ECF No. 10) is granted.

8 3. Petitioner's motion to stay his mixed federal habeas petition (ECF No. 6) pursuant to  
9 *Rhines v. Weber*, 544 U.S. 269 (2005), is denied for lack of good cause shown, given that  
10 although petitioner has alleged ineffective assistance of counsel but not provided any evidence to  
11 support that allegation.

12 3. Petitioner is granted a stay of these proceedings pursuant to *Kelly v. Small*, 315 F.3d  
13 1063 (9th Cir. 2003).

14 4. The Clerk of Court is directed to administratively stay these proceedings until further  
15 order of the court.

16 5. Petitioner is directed to file a status report with the court every 90 days indicating  
17 whether he has filed a habeas corpus petition in the California Supreme Court in order to exhaust  
18 his state court remedies.

19 6. Petitioner is further directed to file a motion to lift the stay within 30 days once the  
20 California Supreme Court issues a decision concerning his habeas corpus petition.

21 7. Once the stay of this case is lifted, petitioner will be granted leave to file a first  
22 amended 28 U.S.C. § 2254 application adding claims two and four back into the petition.

23 DATED: March 31, 2021.

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26 CHIEF UNITED STATES DISTRICT JUDGE  
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