

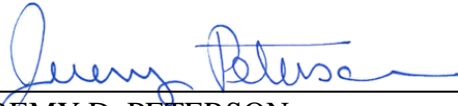
1 He is advised that a petitioner seeking a *Rhines* stay must show: (1) good cause for his failure to
2 exhaust before advancing to federal court, (2) that the unexhausted claims are not “plainly
3 meritless,” and (3) that he has not engaged in “abusive litigation tactics or intentional delay.” 544
4 U.S. at 277-78. He should discuss those elements in any future motion to stay he files.

5 It is ORDERED that the Clerk of Court shall assign a district judge to rule on these
6 findings and recommendations.

7 I recommend that petitioner’s motion for a stay be denied. ECF No. 9. These findings
8 and recommendations are submitted to the U.S. District Court judge presiding over this case
9 under 28 U.S.C. § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States
10 District Court, Eastern District of California. Within thirty days of the service of the findings and
11 recommendations, petitioner may file written objections to the findings and recommendations
12 with the court and serve a copy on all parties. That document must be captioned “Objections to
13 Magistrate Judge’s Findings and Recommendations.” The district judge will then review the
14 findings and recommendations under 28 U.S.C. § 636(b)(1)(C).

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16 IT IS SO ORDERED.

17 Dated: November 17, 2020



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE

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