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| 6 | UNITED STATES DISTRICT COURT | |
| 7 | FOR THE EASTERN DISTRICT OF CALIFORNIA | |
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| 9 | ISIAH CAMPBELL, | No. 2:21-CV-02369-WBS-CKD |
| 10 | Petitioner, | |
| 11 | V. | ORDER |
| 12 | S. PERRY, et al., | |
| 13 | Respondents. | |
| 14 | | |
| 15 | Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas | |
| 16 | corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate | |
| 17 | Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. | |
| 18 | On June 6, 2022, the magistrate judge filed findings and recommendations herein which | |
| 19 | were served on all parties and which contained | ed notice to all parties that any objections to the |
| 20 | findings and recommendations were to be filed within fourteen days. Neither party has filed | |
| 21 | objections to the findings and recommendation | ons. |
| 22 | The court presumes that any findings | of fact are correct. See Orand v. United States, 602 |
| 23 | F.2d 207, 208 (9th Cir. 1979). The magistrat | te judge's conclusions of law are reviewed de novo. |
| 24 | See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having | |
| 25 | reviewed the file, the court finds the findings and recommendations to be supported by the record | |
| 26 | and by the magistrate judge's analysis. | |
| 27 | Accordingly, IT IS HEREBY ORDERED that: | |
| 28 | 1. The findings and recommendations filed June 6, 2022, are adopted in full. | |
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| 1 | 2. Respondent's motion to dismiss (ECF No. 12) is denied. | |
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| 2 | 3. Petitioner's motion for a stay and abeyance (ECF Nos. 21, 23), pursuant to <u>Rhines v.</u> | |
| 3 | Weber, 544 U.S. 269 (2005), is granted. | |
| 4 | 4. Petitioner's proposed first amended § 2254 petition (ECF No. 18) is stricken from the | |
| 5 | docket as unnecessary. | |
| 6 | 5. The Clerk of Court is directed to administratively close this case. | |
| 7 | 6. Petitioner shall file a status report with the court every 6 months indicating what efforts | |
| 8 | he has taken to properly exhaust claim six. | |
| 9 | 7. Petitioner shall file a motion to lift the stay within 30 days from the date of any | |
| 10 | decision by the California Supreme Court. | |
| 11 | Dated: July 22, 2022 Million & Ahbt | |
| 12 | WILLIAM B. SHUBB | |
| 13 | UNITED STATES DISTRICT JUDGE | |
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