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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY WAYNE JACOB,
Petitioner,
v.
MATTESON,
Respondent.

No. 2:22-cv-2051 DJC DB P
ORDER

Petitioner, a state prisoner proceeding through counsel, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 10, 2023, the Magistrate Judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within thirty days. (ECF No. 9.) Neither party has filed objections to the findings and recommendations.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed May 10, 2023, are adopted in full;

3 2. Petitioner's motion for stay (ECF No. 2) is granted;

4 3. These proceedings are stayed pursuant to *Kelly v. Small*, 315 F.3d 1063 (9th
5 Cir. 2003) pending exhaustion of state remedies.

6 4. Grounds five and six of the petition are stricken without prejudice;

7 5. Petitioner shall file an initial status report of his progress in the state courts
8 no later than sixty (60) days after service of this order, and then shall file periodic
9 status reports every ninety (90) days thereafter until exhaustion is complete;

10 6. Petitioner shall initiate proceedings in state court within 180 days of this
11 Order. Failure to do so may result in the Court lifting the stay and ordering the
12 petition to proceed on the exhausted claims.

13 7. Petitioner shall file an amended petition in this court including all exhausted
14 claims within thirty (30) days after service of the final order of the California Supreme
15 Court.

16 8. Respondent shall file any response to the petition no later than sixty (60)
17 days after the amended petition is filed.

18 9. The Clerk of the court is directed to administratively close this case for
19 purposes of case status pending exhaustion.

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21 IT IS SO ORDERED.

22 Dated: July 20, 2023


23 Hon. Daniel J. Calabretta
24 UNITED STATES DISTRICT JUDGE

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