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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 SAMUEL A. WEBSTER III,

11 Petitioner,

12 vs.

13 DANIEL PARAMO, Warden, et al.,

14 Respondents.

CASE NO. 14cv0994 DMS (NLS)

**ORDER (1) ADOPTING REPORT
AND RECOMMENDATION AND
(2) GRANTING PETITIONER'S
REQUEST TO STAY**

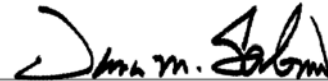
15 This matter comes before the Court on Petitioner's request for a stay and
16 abeyance of his federal habeas petition. Respondent filed an opposition to Petitioner's
17 request. Pursuant to 28 U.S.C. § 636(b)(1)(B) and Civil Local Rule 72.3, the request
18 was referred to a United States Magistrate Judge for a Report and Recommendation
19 ("Report"). On August 15, 2014, Magistrate Judge Nita L. Stormes issued her Report,
20 recommending that the Court grant Petitioner's request. No party filed objections to the
21 Report, and the time for doing so has expired.

22 This Court, having reviewed *de novo* the Magistrate Judge's Report, adopts the
23 Magistrate Judge's recommendation in full and **GRANTS** Petitioner's request for a
24 stay. This case is stayed pending exhaustion of state court remedies on Petitioner's two
25 additional claims. Petitioner shall file in this Court, every ninety (90) days commencing
26 with the filing date of this Order, a status report that details his progress in exhausting
27 his additional claims in the state courts. Within thirty (30) days of the California
28 Supreme Court's order resolving Petitioner's additional claims, Petitioner shall file a

1 motion requesting that the instant stay be lifted, and that he be granted leave to file a
2 First Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254.
3 Petitioner shall include a proposed First Amended Petition with that motion. The Clerk
4 of the Court is directed to administratively close this case until further order of this
5 Court.

6 **IT IS SO ORDERED.**

7 DATED: September 15, 2014



HON. DANA M. SABRAW
United States District Judge