UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

GILBERTO DIAZ-SANCHEZ, Petitioner, v. JEFFREY BEARD, Respondent.	No. 1:14-cv-01204-DAD-SKO ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND GRANTING MOTION FOR STAY AND ABEYANCE (Doc. No. 69)

Petitioner is a state prisoner proceeding with counsel with this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 and 304.

On June 15, 2018, the assigned magistrate judge issued findings and recommendations recommending that the court grant petitioner's motion for modification of the pending stay and abeyance of this action. The findings and recommendations, which were served on the parties on the same date, provided that objections could be filed within thirty days. Although thirty days have passed, no objections have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), having carefully reviewed the entire file *de novo*, the undersigned concludes that the findings and recommendations are supported by the record and proper analysis.

/////

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Accordingly:

1. The findings and recommendations issued June 15, 2018 (Doc. No. 69) are adopted in full;
2. Petitioner's motion for modification of stay and abeyance to permit exhaustion of unexhausted claims pursuant to *Rhines v. Weber*, 544 U.S. 269, 275 (1995), filed on May 29, 2018 (Doc. No. 68), is granted;
3. Petitioner shall continue to file status reports with this court regarding the status of his exhaustion petition every ninety (90) days thereafter; and
4. Within thirty (30) days after the California Supreme Court issues a final order resolving the unexhausted claims, petitioner shall file a motion in this court to lift the stay and an amended habeas petition setting forth all exhausted claims. The assigned magistrate judge shall then screen the petition pursuant to the Rules Governing Section 2254 Cases.

IT IS SO ORDERED.

Dated: **August 21, 2018**

Dale A. Drozd

UNITED STATES DISTRICT JUDGE