

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Laurencio Martinez Quintero v. Janan Cavagnoloas

Quintero v. Cavagnoloas · No. 2:20-cv-00200-TLN-CKD · Decided September 25, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 LAURENCIO MARTINEZ QUINTERO, No. 2:20-cv-00200-TLN-CKD 12
Petitioner, 13 v. ORDER 14 JANAN CAVAGNOLOAS, 15 Respondent. 16 17 Petitioner
Laurencio Martinez Quintero (“Petitioner”), a state prisoner proceeding pro se, 18 filed an
application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The matter was 19 referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)
(B) and Local Rule 20 302. 21 On August 12, 2025, the magistrate judge filed findings and
recommendations herein 22 which were served on all parties and which contained notice to all
parties that any objections to 23 the findings and recommendations were to be filed within
fourteen days.

Plaintiff filed a 24 response to the findings and recommendations. (ECF No. 72.) Neither party
filed objections to 25 the findings and recommendations. 26 The court presumes that any findings
of fact are correct. See *Orand v. United States*, 602 27 F.2d 207, 208 (9th Cir. 1979).

The magistrate judge’s conclusions of law are reviewed de novo. 28 See *Britt v. Simi Valley
Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). The Court has 1 reviewed the file and
finds the findings and recommendations to be supported by the record and 2 by the magistrate
judge’s analysis. 3 Accordingly, IT IS HEREBY ORDERED that: 4 1.

The findings and recommendations (ECF No. 71) are adopted in full; 5 2. Respondent’s Motion to
Dismiss (ECF No. 56) is GRANTED; 6 3. Petitioner’s Motions to Stay (ECF Nos. 62, 68) are
GRANTED to the extent that 7 Petitioner is granted a stay of these proceedings pursuant to *Kelly
v. Small*, 315 F.3d 1063 (9th 8 Cir. 2003) and DENIED under the procedure of *Rhines v. Weber*,
544 U.S. 269 (2005), for lack of 9 good cause shown; 10 4.

The Clerk of Court is directed to administratively stay this case until further order of 11 the Court;
12 5. Petitioner is directed to file a status report with the Court every 90 days indicating 13
whether he has filed a habeas corpus petition in the California Supreme Court in order to exhaust
14 his state court remedies; 15 6. Petitioner is further directed to file a motion to lift the stay
within 30 days once the 16 California Supreme Court issues a decision concerning his habeas
corpus petition; and 17 7.

Once the stay of this case is lifted, Petitioner will be granted leave to file an amended 18 28
U.S.C. § 2254 application containing all exhausted claims. 19 IT IS SO ORDERED. 20 Date:
September 25, 2025 21 22 23 24 25 26 27 28

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