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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Christopher Gale Underwood,

Petitioner,

vs.

E. W. Morris, et al.,

Respondents.

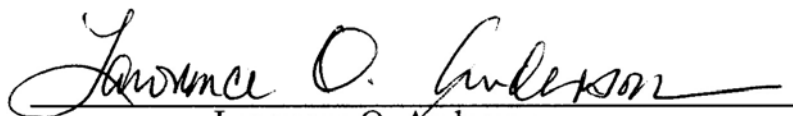
No. CV-08-8049-PCT-NVW (LOA)

ORDER

IT IS ORDERED that Petitioner shall respond on or before **December 1, 2008** as to why his petition should not be dismissed without prejudice because Petitioner has a post-conviction proceeding pending in State court.

Alternatively, Petitioner may show cause why the Court should stay the instant habeas petition and hold it in abeyance until Petitioner's State court proceedings conclude. See, *Rhines v. Weber*, 544 U.S. 269 (2005).

DATED this 29th day of October, 2008.



Lawrence O. Anderson
United States Magistrate Judge