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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RICHARD RUSSELL MOON,) CASE NO. CV 08-8327 AG

Petitioner,

v.

R. K. Wong, Acting Warden of
California State Prison at San Quentin,)

Respondent.

ORDER LIFTING STAY OF LITIGATION
SCHEDULE

DEATH PENALTY CASE

Petitioner Richard Moon filed a request for the appointment of counsel and a stay of execution of death sentence in this Court on December 17, 2008. On December 23, 2008 the Federal Public Defender's Office was appointed to represent Petitioner.

On June 5, 2009 Petitioner filed a protective petition for writ of habeas corpus. On June 10, 2009 the parties filed the instant Joint Stipulation to Stay Litigation Schedule. In the stipulation the parties agreed not to proceed with the federal habeas litigation until after Petitioner filed his substantive federal habeas petition on or before December 10, 2009. The parties submitted the stipulation because Petitioner filed his protective federal habeas petition to preserve all of his rights to federal habeas corpus review, and he anticipated filing a more comprehensive petition before the statute of limitations actually ran. *See Pace v. DiGuglielmo*, 544 U.S. 408, 416-417 (2005).

1 Petitioner filed his substantive federal habeas petition on December 10, 2009.
2 Accordingly, the stay of the litigation schedule for these federal habeas proceedings is
3 hereby lifted. The procedures for considering the petition set forth in Local Rule 83-17.7
4 shall hereby apply with the exception that Respondent shall file an answer or a motion
5 regarding exhaustion no later than January 29, 2010.

6 IT IS SO ORDERED.

7 Dated: December 17, 2009

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10 ANDREW J. GUILFORD
11 UNITED STATES DISTRICT JUDGE

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