

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. **CV 15-9840-VBF (KK)**

Date: April 5, 2016

Title: ***Steven D. Young v. William Muniz***

Present: The Honorable **KENLY KIYA KATO, UNITED STATES MAGISTRATE JUDGE**

**DEB TAYLOR**

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Petitioner(s):

None Present

Attorney(s) Present for Respondent(s):

None Present

**Proceedings: Order Staying this Action Pursuant to Kelly v. Small, 315 F.3d 1063 (9th Cir. 2003)**

**I.  
BACKGROUND**

On December 22, 2015, Salinas Valley State Prison inmate Steven D. Young (“Petitioner”) constructively filed<sup>1</sup> a pro se First Amended Petition (“FAP”) for Writ of Habeas Corpus by a Person in State Custody pursuant to Title 28 of the United States Code, section 2254. See Dkt. 5. The FAP challenged Petitioner’s 2014 conviction in the Los Angeles County Superior Court based on two claims: (1) miscalculation of custody credits (“Claim 1”), which he raised on direct appeal to the California Court of Appeal and the California Supreme Court; and (2) trial counsel rendered constitutionally ineffective assistance of counsel (“Claim 2”), which he admittedly did not present to any state court by direct appeal or otherwise. See id. at 5-6.<sup>2</sup>

<sup>1</sup> Under the “prison mailbox rule,” when a pro se prisoner gives prison authorities a document to mail to a court, the court deems the document to be constructively filed on the date it is signed. See Roberts v. Marshall, 627 F.3d 768, 770 n.1 (9th Cir. 2010) (citation omitted). Here, Petitioner signed the FAP on December 22, 2015, see ECF Docket No. (“Dkt.”) 5, FAP, so the Court deems the FAP to have been filed on that date.

<sup>2</sup> The Court refers to the pages of Petitioner’s filings as if he consecutively numbered them.



**III.**  
**ORDER**

Accordingly, IT IS ORDERED:

1. A Kelly stay is GRANTED. This action -- now containing only the exhausted Claim 1 -- is hereby stayed pending exhaustion of Petitioner's state court remedies on other grounds and/or further order of this Court.
2. Beginning July 5, 2016, and every ninety (90) days thereafter, Petitioner shall file a "Status Report" with the Court, addressing the status of Petitioner's exhaustion efforts in state court. Petitioner must provide the case number of the pending state court proceedings, if available. Respondent may file a status report within fourteen (14) days following Petitioner's filing, if Respondent wishes to advise the Court of any developments not reported by Petitioner.
3. Within thirty (30) days after any decision by the state court on Petitioner's habeas petition, Petitioner shall advise this Court of the decision. Further, if Petitioner abandons his efforts to exhaust his state court remedies, he shall immediately advise this Court.
4. Petitioner is cautioned that if he fails to act diligently in seeking to exhaust his state court remedies or fails to act within the time frames discussed above, the Court may vacate the stay and prohibit Petitioner from raising any new claims in this action.

**IT IS SO ORDERED.**