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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EDWIN GREGORY,)	1:98-cv-06521 LJO WMW (HC)
)	
Petitioner,)	
)	ORDER GRANTING PETITIONER'S
v.)	MOTION TO LIFT STAY
)	
WILLIAM DUNCAN, Warden)	[Doc. #86]
)	
Respondent.)	

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was filed on December 22, 1998, and Respondent filed an answer on July 6, 1999. On August 17, 2000, by order of this Court, Petitioner's federal habeas case was stayed pending the resolution of the state habeas case. (Docs. #41, 42). On March 11, 2009, the California Supreme Court denied Petitioner's habeas petition, thus exhausting his state remedies. (Doc. #86 at 2). On March 19, 2009, Petitioner filed a motion requesting the stay on his federal habeas case be lifted because the state proceedings had concluded. On April 2, 2009, Respondent filed a statement of non-opposition to the motion. (Doc. #88).

It is hereby ORDERED that Petitioner's motion to lift the stay be GRANTED. Furthermore, due to the lengthy time period that has passed since briefing was last filed in this case, the Court

1 grants Petitioner leave to file an amended petition, which may not present any new or unexhausted
2 claims. Petitioner has thirty (30) days from the date of service of this order to file an amended
3 petition. Respondent may file a response to the amended petition within thirty (30) days, and, should
4 Petitioner choose not to file an amended petition, the Court grants Respondent leave to file a
5 supplemental response to the original petition. Petitioner may file a traverse to any response filed by
6 Respondent within thirty (30) days of the date of service of that response.

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IT IS SO ORDERED.

Dated: April 3, 2009

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE