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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL L. BANKS,)	1:09-cv-00152--BAK-SMS HC
)	
Petitioner,)	ORDER DENYING AS MOOT
)	PETITIONER'S SECOND MOTION TO
)	PROCEED ON PETITION (Doc. 10)
v.)	
)	
DEBRA DEXTER,)	
)	
Respondent.)	

PROCEDURAL HISTORY

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Petitioner filed his petition on January 26, 2009. (Doc. 1). On February 19, 2009, and again on March 26, 2009, Petitioner filed motions to stay proceedings that were identical. (Docs. 6 & 7). On July 7, 2009, Petitioner file a "motion to proceed on petition," in which Petitioner expressed his wish to forego any stay and continue with the proceedings because, on June 30, 2009, the California Supreme Court had denied his state petition that, apparently, raised the very issue that was the subject of Petitioner's two motions to stay. (Doc. 9). Petitioner indicated that because the issue was now exhausted and because "that issue has already been incorporated in his pending petition," he wished to proceed with the petition as presently constituted. (*Id.*). Two days later, on July 9, 2009, Petitioner filed a virtually identical motion to proceed on the petition. (Doc. 10).

