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 BOB RUSSELL WILLIAMS, JR.  
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11 IN THE UNITED STATES DISTRICT COURT  
 12 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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14 BOB RUSSELL WILLIAMS, JR.,	)	CASE NO. 1:09-CV-1068-OWW
15 Petitioner,	)	<u>DEATH PENALTY CASE</u>
16 v.	)	<b>ORDER GRANTING ABEYANCE PENDING</b>
17 VINCENT CULLEN, as Warden of San	)	<b>EXHAUSTION OF STATE COURT</b>
18 Quentin State Prison,	)	<b>REMEDIES</b>
19 Respondent.	)	

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 22 Petitioner Bob Russell Williams, Jr. (“Williams”) is a prisoner under sentence of death by the Kern  
 23 County Superior Court. On December 28, 2006, the California Supreme Court issued its decision in Williams’  
 24 direct appeal affirming his convictions and death sentence. *People v. Williams*, 40 Cal.4th 287 (2006). On  
 25 May 31, 2007, Williams filed a Petition for Writ of Certiorari to the California Supreme Court in the United  
 26 States Supreme Court. The United States Supreme Court denied certiorari on October 1, 2007. *Williams v.*  
 27 *California*, 552 U.S. 874 (2007).  
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1 On September 19, 2005, Williams filed a Petition for Writ of Habeas Corpus with the California  
2 Supreme Court, *In re Williams*, Case No. S137389. On June 10, 2009, the California Supreme Court issued  
3 an order denying this petition. The California Supreme Court denied all of Williams' claims on the merits.  
4 The state court denied none of Williams' claims as untimely, although Claim 1 was barred, except insofar as  
5 it raises ineffective assistance of counsel, because it was raised and rejected on appeal.

6 On June 17, 2009, Williams filed a motion for appointment of counsel with this Court. (Doc. 2). On  
7 July 13, 2009, this Court appointed Assistant Federal Defender Harry Simon and Tim Brosnan as counsel.  
8 (Doc. 9). On June 9, 2010, pursuant to this Court's scheduling order of November 4, 2009 (Doc. 26),  
9 Williams filed a state petition for writ of habeas corpus in *In Re Williams*, California Supreme Court Case No.  
10 S183405, and his federal petition for writ of habeas corpus. (Doc. 29).

11 On that same date, Williams filed a Motion to Hold Federal Proceedings in Abeyance While State  
12 Proceedings Are Pending. (Doc. 30). On June 22, 2010, Respondent Warden Vincent Cullen, as Warden of  
13 San Quentin State Prison (the "Warden") filed his Opposition to Williams' abeyance motion. (Doc. 33). On  
14 June 24, 2010, Williams filed his Reply in Support of his abeyance motion. (Doc. 35). On July 8, 2010,  
15 Williams file a Request for Leave to Submit Supplemental Authorities in support of his abeyance motion.  
16 (Doc. 38).

17 On July 12, 2010, this Court held a hearing on Williams' abeyance motion. Based upon the pleadings  
18 discussed above and the arguments of counsel, the Court now rules as follows:

19 1. Williams' Request for Leave to Submit Supplemental Authorities in Support of Motion to Hold  
20 Federal Proceedings in Abeyance (Doc. 38) is GRANTED.

21 2. Williams' Motion to Hold Federal Proceedings in Abeyance While State Proceedings Are  
22 Pending (Doc. 30) is GRANTED. The Court finds that abeyance is appropriate under *Rhines v. Weber*, 544  
23 U.S. 269 (2005).

24 3. Williams is directed to pursue his state court claims with due dispatch. While state proceedings  
25 remain pending, Williams shall prepare and file status reports notifying this Court of the status of his state  
26 claims every six months, beginning September 1, 2010, and shall immediately notify the Court when state  
27 proceedings have been resolved.

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1 IT IS SO ORDERED.

2 **Dated: July 13, 2010**

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE

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