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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN MICHAEL BEAMES,
Petitioner,
v.
KEVIN CHAPPELL, Warden of the California
State Prison at San Quentin,
Respondent.

Case No. 1:10-cv-01429-AWI-SAB
DEATH PENALTY CASE
ORDER REFERRING RESPONDENT'S
MOTION TO DISMISS FEDERAL HABEAS
CORPUS PETITION TO DISTRICT JUDGE
(ECF. NO. 100)
ORDER VACATING HEARING SET FOR
DECEMBER 3, 2014 AT 10:00 A.M. IN
DEPARTMENT 9

On October 27, 2014, Respondent Kevin Chappell, Warden of California State Prison at San Quentin ("Respondent") filed a motion to dismiss the federal habeas corpus petition of John Michael Beames ("Petitioner") on grounds the petition includes unexhausted claims that have not been stayed in abeyance or withdrawn. Petitioner filed an opposition. Respondent replied to the opposition.

In essence, the motion seeks reconsideration of and relief from the March 4, 2014 order, issued by District Judge Anthony Ishii, regarding Respondent's objections to proceeding with the mixed petition and Petitioner's withdrawal of unexhausted claims and pre-evidentiary hearing scheduling. In the interest of judicial economy, the Court finds that it is more

1 appropriate for District Judge Anthony Ishii to consider and address the motion.

2 Accordingly, it is HEREBY ORDERED that:

- 3 1. The previously scheduled hearing set on December 3, 2014 at 10:00 a.m. before
4 the undersigned is vacated and the parties will not be required to appear at that
5 time; and
- 6 2. Respondent's motion to dismiss (ECF NO. 100) is referred to District Judge
7 Anthony Ishii and the parties will be notified by minute order if a hearing is
8 necessary.

9
10 IT IS SO ORDERED.

11 Dated: December 1, 2014



UNITED STATES MAGISTRATE JUDGE