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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JOHNNY LUGO IBARRA,

1:10-cv-1809-LJO-DLB (HC)

Petitioner,

ORDER REGARDING STAY OF  
PROCEEDING

v.

THIRTY DAY DEADLINE TO SUBMIT  
PROOF OF FILING IN STATE COURT

ANTHONY HEDGPETH,

Respondent.

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

On June 16, 2011, the Court granted Petitioner’s request to stay and hold the petition in abeyance pending exhaustion in the state courts. The Court directed Petitioner to file an initial status report within thirty days, and every thirty days thereafter. Petitioner has filed a total of eight status reports, the most recent on February 17, 2012.

Petitioner continues to represent that he is in the process of obtaining counsel and an investigator to present his claims to the state courts. Petitioner is advised that the Court’s order staying and holding the petition in abeyance did not contemplate him obtaining counsel and/or an investigator to present his claims to the state court. Rather, Petitioner is required to diligently pursue his claims in a timely manner and Petitioner has failed to do so. Accordingly, Petitioner is directed to file a state court petition within thirty days from the date of service of this order or the stay will be vacated and the case will proceed forward. Failure to comply with this order will

1 result in a recommendation to dismiss the action for failure to comply with a court order. Local  
2 Rule 110.

3 IT IS SO ORDERED.

4 Dated: February 27, 2012

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE

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