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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHNNY LUGO IBARRA, IV.

Petitioner,

vs.

ANTHONY HEDGPETH,

Respondent.

) Case No.:10-cv-01809-LJO-DLB (HC)

) ORDER DISCHARGING ORDER TO
) SHOW CAUSE, GRANTING
) PETITIONER’S MOTION FOR LEAVE TO
) FILE AN AMENDED PETITION FOR WRIT
) OF HABEAS CORPUS, AND DIRECTING
) CLERK OF COURT TO FILE LODGED
) AMENDED PETITION

) [Docs. 44, 45, 46]

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

Petitioner filed the instant petition for writ of habeas corpus on September 30, 2010.

On June 16, 2011, the Court granted Petitioner’s request to stay the petition pending exhaustion of the state court remedies. Over the course of several months, Petitioner filed nine status reports informing the Court of the status of the state court proceedings.

However, on November 1, 2012, the Court issued an order to show cause why the stay of the petition should not be vacated for Petitioner’s failure to file a timely status report in compliance with the Court’s June 16, 2011, order.

1 On November 19, 2012, Petitioner filed a response to the order to show cause and a
2 motion for leave to file an amended petition, along with a copy of the amended petition which
3 was lodged by the Court.
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5 Petitioner indicates that he was not aware that further status reports were required and
6 indicates that he intends to fully prosecute this action in a timely fashion. On the basis of good
7 cause, the Court will discharge the order to show cause and grant Petitioner's motion to file an
8 amended petition.

9 Accordingly, it is HEREBY ORDERED that:

- 10 1. The Court's November 1, 2012, order to show cause is DISCHARGED;
- 11 2. Petitioner's motion for leave to file an amended petition is GRANTED; and
- 12 3. The Clerk of Court is directed to file the amended petition which was lodged on
13 November 19, 2012.
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16 IT IS SO ORDERED.

17 Dated: November 26, 2012

18 /s/ Dennis L. Beck
19 UNITED STATES MAGISTRATE JUDGE
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