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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HENRY CARTWRIGHT,
Petitioner,

v.

CONNIE GIPSON, Warden,
Respondent.

1:13-cv-00463 AWI MJS HC

**ORDER GRANTING STAY OF PETITION
FOR WRIT OF HABEAS CORPUS**

(Doc. 20)

Petitioner is a state prisoner proceeding pro se with a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254.

On March 29, 2013, Petitioner filed a motion to stay. On June 6, 2013 the Court granted the motion, and requested Petitioner to file an amended petition. Petitioner filed an amended petition on September 26, 2013. (ECF No. 18.) On the same date, Petitioner filed another motion to stay the petition. (ECF No. 20.) Petitioner states that he has removed unexhausted claims seven through twelve of the original petition from the amended petition. As Petitioner has substantially complied with the Court's order, the Court grants Petitioner's motion to stay.

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ORDER

Accordingly, it is ORDERED that:

- 1) Petitioner's motion for stay (Doc. 20) be granted pursuant to Kelly v. Small, 315 F.3d 1063 (9th Cir. 2002) and King v. Ryan, 564 F.3d 1133 (9th Cir. 2009), and the instant action be administratively stayed pursuant to Kelly and King;
- 2) Petitioner be directed to file a motion to lift the stay within 30 days of the California Supreme Court issuing a final order resolving Petitioner's unexhausted claims; and
- 3) Petitioner be directed to file an amended habeas petition containing all exhausted claims with his motion to lift the stay.

Petitioner is forewarned that failure to comply with this Order will result in the Court's vacating the stay.

IT IS SO ORDERED.

Dated: November 20, 2013

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE