

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ANTHONY LAWS,  
Petitioner,  
  
v.  
  
GARY SWARTHOUT, Warden  
Respondent.

Case No. 1:13-cv-01546-BAM-HC

ORDER DISMISSING PETITIONER'S  
MOTION FOR STATUS REPORT (DOC. 30)

ORDER TO RESPONDENT TO FILE NO  
LATER THAN THIRTY (30) DAYS  
OPPOSITION OR NOTICE OF NON-  
OPPOSITION TO PETITIONER'S MOTION  
TO AMEND THE PETITION (DOC. 31)

ORDER PERMITTING PETITIONER TO FILE  
A REPLY NO LATER THAN THIRTY (30)  
DAYS AFTER SERVICE OF ANY  
OPPOSITION BY RESPONDENT

Petitioner is a state prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(c)(1), the parties have consented to the jurisdiction of the United States Magistrate Judge to conduct all further proceedings in the case, including the entry of final judgment, by manifesting their consent in writings signed by the parties or their representatives and filed by Petitioner on October 7, 2013, and on behalf of Respondent on February 19, 2014.

Pending before the Court are 1) Petitioner's motion for a status report on the progress of his case towards a ruling; and 2)

1 Petitioner's motion to amend the petition, which was filed on  
2 December 15, 2014.

3 Insofar as Petitioner seeks a status report on any ruling on  
4 his petition, Petitioner is INFORMED that the petition will be  
5 determined as soon as resources permit. The Court has before it  
6 many other petitions that have become ready for decision before  
7 Petitioner's became ready. Further, the state of the pleadings in  
8 the instant case is now uncertain because Petitioner is seeking to  
9 amend the petition. Accordingly, the request for a status report  
10 will be dismissed.

11 With respect to Petitioner's motion to amend the petition, the  
12 Court has determined that input from Respondent will help to  
13 determine the motion in an efficient manner. Further, Petitioner  
14 will have an opportunity to file a reply to any opposition filed by  
15 Respondent.

16 Accordingly, it is ORDERED that:

17 1) Petitioner's request for a status report is DISMISSED as  
18 moot; and

19 2) Respondent's opposition or notice of non-opposition to  
20 Petitioner's motion to amend shall be FILED no later than thirty  
21 (30) days after the date of service of this order; and

22 3) Petitioner may file a reply to any opposition no later than  
23 thirty (30) days after the date of service of the opposition.

24 **IT IS SO ORDERED.**

25 Dated: April 9, 2015

26 /s/ Barbara A. McAuliffe  
27 UNITED STATES MAGISTRATE JUDGE