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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

STEPHEN DANIEL BLYMAN,  
Petitioner,

v.

WARDEN,  
Respondent.

Case No. 1:14-cv-00836-LJO-BAM-HC

ORDER CONSTRUING DOCUMENTS AS A  
MOTION FOR A STAY PURSUANT TO  
RHINES AND KELLY (DOCS. 7, 8, 15)

ORDER SUSPENDING THE DEADLINE FOR  
FILING A TRAVERSE UNTIL  
PETITIONER'S MOTION FOR A STAY IS  
DETERMINED

ORDER DIRECTING PETITIONER TO FILE  
A SUPPLEMENTAL STATEMENT OF ISSUES  
NO LATER THAN THIRTY (30) DAYS  
AFTER THE DATE OF SERVICE OF THIS  
ORDER

ORDER STAYING THE DEADLINE FOR  
PETITIONER'S FILING A TRAVERSE  
PENDING DETERMINATION OF  
PETITIONER'S MOTION FOR A STAY

ORDER SETTING A BRIEFING SCHEDULE  
ON PETITIONER'S MOTION FOR A STAY

**RESPONDENT: OPPOSITION OR NOTICE OF  
NON-OPPOSITION TO BE FILED THIRTY  
(30) DAYS AFTER SERVICE OF  
PETITIONER'S SUPPLEMENTAL STATEMENT**

**PETITIONER: REPLY TO ANY OPPOSITION  
MAY BE FILED NO LATER THAN THIRTY  
(30) DAYS AFTER SERVICE OF  
OPPOSITION**

1           Petitioner is a state prisoner proceeding pro se and in forma  
2 pauperis with a petition for writ of habeas corpus pursuant to 28  
3 U.S.C. § 2254. The matter has been referred to the Magistrate Judge  
4 pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 and 303.  
5 Pending before the Court are various filings by Petitioner,  
6 including a motion for a stay filed on June 16, 2014, and two  
7 related documents filed on July 7 and September 26, 2014, which  
8 relate to Petitioner's motion for a stay, and which the Court  
9 CONSTRUES as Petitioner's motion for a stay of the instant  
10 proceeding so that he may exhaust state court remedies as to  
11 additional issues.

12           On September 8, 2014, Respondent filed an answer to the  
13 petition in which Respondent addressed the merits of Petitioner's  
14 presently pending claims, which include a challenge to the exclusion  
15 of evidence as a violation of Petitioner's right to confrontation  
16 and to present a defense, and a challenge to the failure to give a  
17 unanimity instruction. However, Respondent did not file opposition  
18 or notice of non-opposition to Petitioner's motion for a stay.

19           In the motion for a stay, Petitioner explains some of the  
20 circumstances that resulted in his not raising the additional  
21 issues. However, Petitioner does not specifically identify the  
22 additional issues that he desires to raise after exhaustion of state  
23 court remedies. Without knowing exactly what claims, including  
24 their legal and factual basis, Petitioner seeks to pursue and add to  
25 the present proceeding, it would not be possible to evaluate the  
26 nature and extent of any stay that should issue. Thus, Petitioner  
27 will be given an opportunity to file a supplement to his motion in  
28 which he specifically identifies the additional claims that he seeks

1 to exhaust and then to add to the petition.

2 Further, it would facilitate the efficient use of the Court's  
3 and the parties' resources to have Respondent file opposition or  
4 notice of non-opposition to the motion, including any pertinent  
5 state court records.

6 Accordingly, it is ORDERED that:

7 1) Petitioner is DIRECTED to file no later than thirty (30)  
8 days after the date of service of this order a supplement to his  
9 motion for a stay in which he specifically identifies the claims,  
10 including their factual and legal bases, for which he seeks a stay  
11 to exhaust state court remedies; and

12 2) Respondent shall FILE opposition or notice of non-  
13 opposition to Petitioner's motion for a stay no later than thirty  
14 (30) days after the date of service of Petitioner's supplemental  
15 specification of claims; and

16 3) Petitioner may FILE a reply to any opposition filed by  
17 Respondent no later than thirty (30) days after the date of service  
18 of the opposition; and

19 4) The deadline for the filing of Petitioner's traverse to  
20 Respondent's answer is STAYED pending the determination of  
21 Petitioner's motion for a stay.

22  
23 IT IS SO ORDERED.

24 Dated: October 6, 2014

/s/ Barbara A. McAuliffe  
25 UNITED STATES MAGISTRATE JUDGE