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

**JAMES E. WHITE,**  
  
Plaintiff,  
  
**v.**  
  
**CONNIE GIPSON, Warden,**  
  
Defendant.

1:14-cv-01214 LJO MJS HC  
**ORDER DENYING MOTION TO STAY;  
ORDER DIRECTING RESPONDENT TO  
FILE A RESPONSE TO PETITIONER'S  
SECOND AMENDED PETITION**  
  
**THIRTY (30) DAY DEADLINE**  
  
**(Docs. 29-30)**

Petitioner is a state prisoner 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 August 4, 2014. (Pet., ECF No. 1.) On August 26, 2014, the Court granted Petitioner's first motion to stay the petition under Kelly v. Small, 315 F.3d 1063 (9th Cir. 2002). (Order, ECF No. 7.) Under the Kelly procedure, the Court allowed Petitioner to file an amended petition that did not include unexhausted claims. The Court then imposed a stay to allow Petitioner to exhaust the claims in state court.

Petitioner did not contact the Court upon exhausting his claims in state Court, and on January 19, 2016, the Court vacated the stay. (ECF No. 16.) On February 4, 2016, the Court ordered Respondent to file a response to the petition, which she did on March

1 30, 2016. (Answer, ECF No. 21.)

2 On April 28, 2016, and again on May 10, 2016, Petitioner filed motions to amend  
3 the petition to include the claims that he attempted to exhaust in state court. Petitioner  
4 failed to file a motion to lift the stay and present the Court with an amended petition  
5 containing the newly exhausted claims. On May 17, 2016, the Court granted Petitioner's  
6 motion to file an amended Petition. (ECF No. 28.)

7 On May 31, 2016, Petitioner filed a second motion to stay the petition, along with  
8 a second amended petition. (ECF Nos. 29-30.) Petitioner provides no specific  
9 information why a second stay is warranted in this matter, and what claims, if any, are  
10 still pending before the state courts. Having previously stayed the case for a year and a  
11 half to allow Petitioner to exhaust his claims in state court, the Court finds that Petitioner  
12 has not presented good cause for granting a second stay. The motion to stay the case is  
13 DENIED.

14 Having allowed Petitioner to file an amended petition, the operative petition in the  
15 present matter is the second amended petition filed on May 31, 2016. (ECF No. 30.)  
16 Respondent has responded to Petitioner's prior petition with an answer filed with the  
17 Court on March 30, 2016. However, Respondent is hereby provided an opportunity to  
18 review the second amended petition, and provide a revised answer, or notify the Court  
19 that no changes are required to the March 30, 2016 answer. Respondent is ordered to  
20 file a revised answer or notice to the Court within thirty (30) days of service of this order.

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22 IT IS SO ORDERED.

23 Dated: August 6, 2016

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE

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