

1 **UNITED STATES DISTRICT COURT**

2 **EASTERN DISTRICT OF CALIFORNIA**

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5 ERIC LAVELLE NICHOLS,

6 Petitioner,

7 v.

8 JOHN KATAVICH, Warden,

9 Respondent.

Case No. 1:14-cv-01880-LJO-SMS HC

ORDER CONTINUING ORDER OF
STAY AND ABEYANCE PENDING
EXHAUSTION OF STATE REMEDIES

10 Doc. 10

11 Petitioner Eric Lavelle Nichols is a state prisoner who seeks to proceed with a federal
12 petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On December 18, 2014, the Court
13 granted Petitioner's motion for an order of stay and abeyance pending resolution of his claims in
14 California state courts. On December 29, 2014, Petitioner filed a status report, indicating that since
15 the California Superior Court had denied his state petition, this Court was now free to adjudicate his
16 Section 2254 petition. Petitioner is mistaken. This Court may not address the federal petition until
17 Petitioner has exhausted all means of appealing his state petition. This means that before this Court
18 may exercise jurisdiction over the federal petition, he must first appeal to the California Appellate
19 Court and the California Supreme Court.
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21 Accordingly, the Court hereby ORDERS that the order for stay and abeyance filed
22 December 18, 2014 (Doc. 9) shall remain in effect pending Petitioner's exhaustion of his state
23 remedies.
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26 IT IS SO ORDERED.

27 Dated: December 31, 2014

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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