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

**BRUCE ARMSTRONG,**  
Petitioner,  
  
v.  
  
**DEBBIE ASUNCION,**  
Respondent.

Case No. 1:15-cv-01109 AWI MJS (HC)  
**ORDER GRANTING MOTION TO LIFT  
STAY; ORDER GRANTING MOTION TO  
SUBSTITUTE RESPONDENT**  
**[Docs. 14-15]**

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and is represented by the office of David Regan.

On July 6, 2015, Petitioner filed his petition in this case. Three days later, he filed a motion to stay the proceedings while he sought to exhaust his claims for ineffective assistance of counsel and juror misconduct. (Mot. to Stay, ECF No. 3.) On January 25, 2016, the Court granted the motion to stay the petition. (ECF No. 13.)

On December 12, 2016, Petitioner filed a motion to lift the stay. (ECF No. 15.) Petitioner asserts that the California Supreme Court denied his previously unexhausted claims of ineffective assistance of counsel and juror misconduct on November 16, 2016,

1 and provided a copy of the court order as an exhibit to the motion. (Id., Ex. A.)  
2 Additionally, Petitioner provided a copy of a proposed amended petition incorporating  
3 the newly exhausted claims.

4 Based on Petitioner's assertions that he has exhausted the claims in question, the  
5 motion to lift the stay is GRANTED. Petitioner is hereby ORDERED to electronically file  
6 the amended petition on ECF within fourteen (14) days of the issuance of this order.  
7 Upon filing the petition, the Court will direct Respondent to respond.

8 Additionally, on December 12, 2016, Petitioner filed a motion to substitute  
9 Respondent. (ECF No. 14.) Based on Petitioner's transfer to California State Prison, Los  
10 Angeles County, Petitioner moves to substitute Warden Debbie Asuncion as the proper  
11 named respondent. The motion is GRANTED. Debbie Asuncion is hereby substituted as  
12 the proper named respondent pursuant to Rule 25(d) of the Federal Rules of Civil  
13 Procedure.

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15 IT IS SO ORDERED.

16 Dated: January 11, 2017

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE

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