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

SAMUEL XAVIER BRYANT,
Petitioner,

v.

W. MUNIZ, Warden,
Respondent.

1:16-cv-00190 DAD MJS HC
**ORDER GRANTING MOTION TO
WITHDRAW MOTION TO STAY**
(Docs. 16, 17, 29)
**ORDER REQUIRING RESPONDENT TO
FILE SUPPLIMENTAL RESPONSE**

Petitioner is a state prisoner proceeding pro se with a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254.

On February 11, 2016, the Court screened the petition, and ordered Respondent to file a response to the petition. On April 21, 2016, Petitioner moved the Court to stay the petition to introduce two additional claims he had yet to exhaust in state court. (ECF No. 17.) On May 9, 2016, Petitioner also moved to amend the petition. (ECF No. 19.) The Court granted the motion to amend, but recommended that the motion to stay be denied without prejudice since the unexhausted claims were not included in the original petition. (ECF Nos. 17, 22.) Petitioner filed a first amended petition on June 16, 2016, asserting three additional, yet-to-be exhausted claims. (Am. Pet., ECF No. 26.) Then, on July 29, 2016, Petitioner filed a renewed motion to stay the amended petition while he

1 attempted to exhaust remedies in state court. (Mot. to Stay, ECF No. 29.) Petitioner
2 asserts that he presented the three newly added claims to the California Supreme Court
3 on June 16, 2016. (Id.)

4 On September 12, 2016, the Court ordered Petitioner to show cause why the
5 motion to stay should be granted as it appeared that the newly added claims had been
6 presented to the California Supreme Court and therefore exhausted. (Order, ECF No.
7 31.) On September 26, 2016, Petitioner agreed that the claims were exhausted and
8 moved to withdraw his motion to stay. (ECF No. 33.) Accordingly, Petitioner's motions to
9 stay and the findings and recommendations relating thereto are hereby WITHDRAWN.

10 Respondent filed an answer to the petition on May 11, 2016. (Answer, ECF No.
11 21.) However, as the petition now contains new and additional claims, Respondent shall
12 have an opportunity to file a supplemental response to the amended petition to address
13 the new claims and any new or additional defenses based on the amendments to the
14 petition. The supplemental response is due within sixty (60) days of the date of this
15 order. Petitioner may respond to the supplemental response in accordance with the
16 Court's briefing schedule issued on February 11, 2016. (ECF No. 6.)

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IT IS SO ORDERED.

Dated: October 18, 2016

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE