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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LUIS CALDERON,

Petitioner,

v.

FREDERIC FOULKS,

Respondent.

Case No. 1:16-cv-00276-LJO-SAB-HC

ORDER STAYING PROCEEDINGS

Petitioner is a state prisoner, represented by counsel, proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On July 19, 2016, the Court granted Petitioner’s motion to stay the proceedings pursuant to Kelly v. Small, 315 F.3d 1063 (9th Cir. 2002). (ECF No. 16). On August 15, 2016, Petitioner filed an amended petition containing only exhausted claims, which satisfies the first requirement for a Kelly stay. (ECF No. 17).

Accordingly, IT IS HEREBY ORDERED that:

1. The proceedings are STAYED pending exhaustion of state remedies; and
2. Petitioner is DIRECTED to file a status report within thirty (30) days of the date of service of this order, and then every ninety (90) days thereafter. Within thirty (30) days following the final order of the state courts, Petitioner MUST FILE an amended petition in this Court including all exhausted claims.

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1 Petitioner is forewarned that failure to comply with this order will result in the Court
2 vacating the stay.
3 IT IS SO ORDERED.

4 Dated: August 16, 2016

/s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE

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