

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GREGORY EUGENE BISEL,  
  
                                Petitioner,  
  
                                v.  
  
RAY FISHER, Jr., Warden, SCOTT  
KERNAN, Secretary, California  
Department of Corrections and  
Rehabilitations  
  
                                Respondent.

No. 1:17-cv-00013-SKO (HC)

**ORDER GRANTING PETITIONER’S  
MOTION FOR LEAVE TO EXTEND STAY  
AND ABEYANCE**  
  
**(Doc. 23)**

Petitioner, Gregory Eugene Bisel, is a state prisoner represented by counsel with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 30, 2017, the undersigned recommended granting Petitioner’s motion for stay and abeyance, (Doc. 13). On September 7, 2018, Petitioner filed a motion to extend the stay to exhaust additional claims with the state court.

The undersigned, having previously found good cause for the stay, grants the motion to extend the stay to include additional unexhausted claims Petitioner may present to the state court.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Findings and Conclusion**

The Court hereby ORDERS:

1. The prior order granting the motion for stay and abeyance, (Doc. 13), be extended to include any unexhausted claims.
2. Petitioner is DIRECTED to file a status report within ninety (90) days of the date of this Order advising the Court of the status of the state court proceedings.
3. Petitioner shall file an additional status report every ninety (90) days thereafter.
4. Within thirty (30) days after the California Supreme Court issues a final order resolving the unexhausted claims, Petitioner shall file a motion to lift the stay and an amended habeas petition setting forth all exhausted claims. The Court shall then screen the petition pursuant to the Rules Governing Section 2254 Cases.

IT IS SO ORDERED.

Dated: September 10, 2018

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE