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

**CHARLES LAWTON,**  
Petitioner,  
  
v.  
  
**WILLIAM MUNIZ,**  
Respondent.

Case No. 1:17-cv-00737 MJS (HC)  
**ORDER REOPENING CASE**  
**ORDER AMENDING INSTRUCTIONS**  
**CONCERNING LIFTING OF STAY**  
**(ECF No. 16)**

Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On December 29, 2017, this Court granted Petitioner’s motion to stay this case pending exhaustion of five additional claims in state court pursuant to Kelly v. Small, 315 F.3d 1063, 1070-71 (9th Cir. 2003). (ECF No. 16.) In that Order, the Court directed the Clerk of Court to administratively close the case. (Id.)

Based upon a re-review of applicable administrative procedures, the undersigned issues the following amendment of and to that Order:

While the Kelly stay will remain in place, the Court hereby VACATES the direction to the Clerk of Court to administratively close the case.

IT IS HEREBY ORDERED that:

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1. The Clerk of Court reopen this case;
2. The case shall remain stayed pursuant to the December 29, 2017 Order (ECF No. 16);
3. Petitioner shall file a status report every ninety days detailing his progress in exhausting his unexhausted claims in the state courts.
4. Petitioner shall file a motion to lift the stay within 30 days of the California Supreme Court issuing a final order resolving Petitioner's unexhausted claims; and
5. Petitioner shall file an amended habeas petition containing all claims, including newly exhausted claims, with his motion to lift the stay.

IT IS SO ORDERED.

Dated: January 2, 2018

*/s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE