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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JERRY F. STANLEY,  
Petitioner,  
v.  
WARDEN, San Quentin State Prison,  
Respondent.

No. 2:95-CV-1500 JAM CKD  
DEATH PENALTY CASE  
ORDER


On April 21, 2015, this court ordered these proceedings stayed and held in abeyance during the pendency of petitioner’s state exhaustion proceedings. (ECF No. 1012.) Petitioner has filed a status report describing complications in those proceedings. (ECF No. 1026.) The court will not repeat the series of events in state court. Suffice it to say that petitioner’s counsel attempted to initiate the state proceedings, the state court determined the state habeas petition should not be filed, and the state court initiated an automatic appeal from the superior court determinations regarding the retrospective competency proceeding. Petitioner seeks a determination from this court that the stay and abeyance of these federal proceedings should remain in place pending resolution of the state court appeal and any related state court habeas corpus proceeding.

The current state court proceedings are not those contemplated by the parties or the court when it ordered the stay. (See ECF Nos. 1010, 1012.) However, petitioner’s state remedies

1 remain unexhausted. Both parties agree that these proceedings should remain stayed through the  
2 state appellate proceedings. (See ECF Nos. 1026, 1029.) This court agrees as well. These  
3 proceedings shall remain stayed through the conclusion of the state automatic appeal. At that  
4 time, the court will consider whether an extension of the stay is necessary to permit state court  
5 resolution of any collateral review proceedings.

6 Accordingly, IT IS HEREBY ORDERED that within thirty days of the date petitioner's  
7 automatic appeal is final, petitioner shall file a status report which shall include a description of  
8 any further state court proceedings and argument in support of any request for maintenance of the  
9 stay and abeyance of these federal proceedings.

10 Dated: June 1, 2016

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13 CAROLYN K. DELANEY  
14 UNITED STATES MAGISTRATE JUDGE  
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