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

MARK ANTHONY,

Petitioner,

No. CIV S-05-0482 FCD EFB P

vs.

JOHN MARSHALL,

Respondent.

ORDER

_____/

Petitioner is a state prisoner seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 26, 2009, petitioner filed a motion to stay and abey this action so that he could exhaust his claims in the California Supreme Court. Dckt. No. 39. Respondent opposed the motion. Dckt. No. 40. The California Supreme Court denied petitioner's state court petition on October 14, 2009. *See* Dckt. No. 42, Ex. A. As petitioner's claims are now apparently exhausted, the court denies his motion to stay as moot.

Accordingly, it is hereby ORDERED that petitioner's August 26, 2009 motion to stay and abey is denied as moot.

Dated: February 2, 2010.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE