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RONALD WAYNE COOLEY,

Petitioner,

No. CIV S-05-0870 FCD DAD P

VS.

13 ROSANNE CAMPBELL, et al.,

Respondents. 14

ORDER

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

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Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus. On November 4, 2005, respondent filed an answer to the petition, and on February 2, 2006, petitioner filed a traverse, together with a motion for a stay and abeyance. On April 19, 2006, the court denied petitioner's motion for stay abeyance without prejudice to filing a renewed motion that showed good cause for his failure to discover and exhaust each of his new claims prior to filing this action. Subsequently, petitioner filed a renewed motion for stay and abeyance, which respondent has opposed.

Petitioner has since filed a motion asking the court to proceed on his exhausted claims and lift any stay in this action. In light of petitioner's more recent filing and good cause appearing, the court will deny petitioner's renewed motion for stay and abeyance as moot and grant petitioner's motion to proceed on his exhausted claims.

This matter, having been fully briefed by the parties, is now submitted for decision. In due course, the court will issue its findings and recommendations on the merits of the petition. Petitioner is advised that he is not required to submit anything further in pursuit of habeas relief.

Accordingly, IT IS HEREBY ORDERED that:

- 1. Petitioner's renewed motion for stay and abeyance (Doc. No. 30) is denied as moot;
- 2. Petitioner's motion to proceed on his exhausted claims (Doc. No. 38) is granted; and
 - 3. This matter is submitted for decision.

DATED: July 14, 2009.

DALE A. DROZD

UNITED STATES MAGISTRATE JUDGE

DAD:9 cool0870.subm