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

RICKEY CARL HUERTA,

Petitioner,

No. CIV S-08-0075 WBS EFB P

vs.

KEN CLARK, et al.,

Respondents.

ORDER

_____ /

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254. On February 17, 2009, the court denied as unnecessary petitioner’s January 24, 2008 motion to stay the proceedings to exhaust his state remedies because the original petition contained only exhausted claims. On March 11, 2009, petitioner filed a “motion for reconsideration,” wherein he explained that his claims are now exhausted. The motion does not articulate any grounds for reconsideration of the order denying his request for a stay. Obviously, it there are no unexhausted claims there is no reason for a stay.

Furthermore, on February 24, 2009, the court ordered respondent to file a response to petitioner’s amended petition, filed October 10, 2008.

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1 Since this action is now proceeding on petitioner's amended petition, petitioner's March
2 11, 2009 motion is denied as moot.

3 So Ordered.

4 Dated: April 16, 2009.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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