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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

DONALD CLAUDE BULPITT, Petitioner, **v.** **JAMES D. HARTLEY, et al.,** Respondents.	2:08-cv-00898-WBS-EFB **STIPULATION TO STAY PROCEEDINGS**

Petitioner here contends that he was wrongfully denied parole in violation of his federal rights. Petitioner has made the same contention before the California state courts. With respect to some of the issues relating to this claim, Petitioner has sought and been denied relief by the California Supreme Court. However, with respect to other issues, and the ultimate question itself, Petitioner is still pursuing remedies before the state courts.

Respondent contends that Petitioner has not yet exhausted his state remedies in this action. Although Petitioner does not admit that he has not yet exhausted his state remedies, he does agree that this matter would be most efficiently and economically presented to the federal court

if and when he is ultimately denied relief before the state courts. If Petitioner is granted relief before the state courts, Respondent would likely move to dismiss this action for mootness. Petitioner would oppose such a motion on the ground that if his petition before this Court is granted, Petitioner would be entitled to the credit of this unlawful custody time against his five-year parole period. If Petitioner is denied relief before the state courts, Petitioner would likely seek federal relief and move to consolidate all claims in a single case.

Until all state court claims relating to this case are resolved, the parties mutually agree and stipulate that this federal action be stayed. Either party may at any time move the Court to dissolve or modify this stay based upon changed or future circumstances.

Therefore, the parties request that this Court stay this matter until further order of the Court.

Dated: February 25, 2009

/ s / Robert C. Cross
Robert C. Cross
Attorney for Respondent

Dated: February 25, 2009

/ s/ Carrie Kojimoto (as authorized on 2/25/09)
Carrie Kojimoto
Attorney for Petitioner

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

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DONALD CLAUDE BULPITT, Petitioner, **v.** **JAMES D. HARTLEY, et al.,** Respondents.	2:08-cv-00898-WBS-EFB **~~[PROPOSED]~~ ORDER GRANTING STIPULATION TO STAY PROCEEDINGS**

Pursuant to the stipulation to stay proceedings in this matter pending resolution of all state court claims relating to the case, this matter is stayed until further order of the court.

Dated: April 14, 2009

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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