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

ABRAHAM GALINDO,

Petitioner,

No. CIV S-08-0945 MCE DAD P

vs.

ED FOULK, Executive Director,

Respondent.

ORDER

_____ /

Petitioner, a civil detainee, is proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. In accordance with the court’s April 2, 2010 order, petitioner has filed a motion for a stay and abeyance.¹ Respondent, however, has not filed and served an opposition or a statement of non-opposition to the motion as previously ordered.

Good cause appearing, IT IS HEREBY ORDERED that:

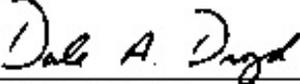
- 1. Petitioner’s April 29, 2010 motion for a stay and abeyance (Doc. No. 26) is stricken. The case shall proceed on petitioner’s May 4, 2010 motion; and

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¹ Petitioner has filed two motions for a stay and abeyance. The only difference between the two filings is petitioner has signed the second motion. Accordingly, the court will strike petitioner’s April 29, 2010 motion and allow the case to proceed on petitioner’s signed May 4, 2010 motion.

1 2. Within twenty-one days of the date of this order respondent shall file and serve
2 an opposition or a statement of non-opposition to petitioner's May 4, 2010 motion for a stay and
3 abeyance and shall show cause in writing why sanctions should not be imposed for the failure to
4 file a timely response.

5 DATED: October 26, 2010.

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8 _____
9 DALE A. DROZD
10 UNITED STATES MAGISTRATE JUDGE

8 DAD:9
9 gali0945.102