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

ANDONO LEON MORRIS,

Petitioner,

No. CIV S-08-1790 FCD DAD P

vs.

I.D. CLAY, Warden,

Respondent.

ORDER

\_\_\_\_\_ /

On July 16, 2009, the undersigned issued findings and recommendations, recommending that petitioner’s renewed motion for a stay and abeyance be granted. The assigned district judge adopted the findings and recommendations in full, and this action was stayed. The court directed petitioner to file a motion to lift the stay, together with an amended petition within thirty days after completion of state habeas proceedings.

On August 31, 2009, petitioner filed a motion to lift the stay in this action, together with an amended petition. Petitioner informed the court that the California Supreme Court denied his state exhaustion petition on July 29, 2009. Good cause appearing, the court will grant petitioner’s motion to lift the stay in this action and direct the Clerk of the Court to re-open this case.

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1           Since petitioner may be entitled to relief if the claimed violation of constitutional  
2 rights is proved, respondent will be directed to file a response to petitioner's habeas petition.

3           Accordingly, IT IS HEREBY ORDERED that:

4           1. Petitioner's August 31, 2009 motion to lift the stay in this action (Doc. No. 24)  
5 is granted;

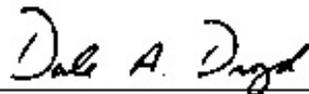
6           2. The Clerk of the Court is directed to re-open this case and to serve the  
7 petitioner's amended petition and memorandum of points and authorities (Doc. No. 25) on  
8 respondent;

9           3. Respondent is directed to file a response to petitioner's August 31, 2009  
10 amended petition within sixty days from the date of this order. See Rule 4, Fed. R. Governing §  
11 2254 Cases. An answer shall be accompanied by all transcripts and other documents relevant to  
12 the issues presented in the petition. See Rule 5, Fed. R. Governing § 2254 Cases;

13           4. If the response to the habeas petition is an answer, petitioner's reply, if any,  
14 shall be filed and served within thirty days after service of the answer; and

15           5. If the response to the habeas petition is a motion, petitioner's opposition or  
16 statement of non-opposition to the motion shall be filed and served within thirty days after  
17 service of the motion, and respondent's reply, if any, shall be filed and served within fifteen days  
18 thereafter.

19 DATED: September 3, 2009.

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23 DALE A. DROZD  
24 UNITED STATES MAGISTRATE JUDGE

23 DAD:9  
24 morr1790.lft