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

10 ANDREW A. CEJAS,

11 Petitioner,

No. CIV S-08-2494 KJM EFB P

12 vs.

13 JAMES A. YATES,

14 Respondent.

ORDER

15 _____/
16 Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28
17 U.S.C. § 2254. Petitioner moves for a stay and abeyance, requesting that the court stay the case
18 while he exhausts his claims in state court. *See* Dckt. No. 64. Respondent's opposition argues
19 that the claims that petitioner wishes to exhaust in state court are barred by the statute of
20 limitations and must be dismissed. *See* Dckt. No. 74.

21 Petitioner has filed a reply, arguing that his motion to stay the case is now moot because
22 the California Supreme Court has denied his habeas petition and all of his claims are now
23 exhausted. Dckt. No. 76 at 1.

24 As petitioner's claims have now been exhausted in state court, his motion for a stay and
25 abeyance must be denied as moot.

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1 Accordingly, it is ORDERED that:

2 1. Petitioner's motion for a stay and abeyance, Dckt. No. 64, is denied as moot; and

3 2. The Clerk is directed to send petitioner a copy of respondent's opposition, Dckt. No.
4 74.

5 Dated: February 22, 2012.

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EDMUND F. BRENNAN
7 UNITED STATES MAGISTRATE JUDGE
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