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

TIMOTHY L. MILLIGAN,

Petitioner,

No. CIV S-08-2766 MCE EFB P

vs.

PAM AHLIN, Warden,

Respondent.

ORDER

_____/

Petitioner, who is under an order of civil commitment and is not represented by counsel, seeks a writ of habeas corpus. *See* 28 U.S.C. § 2254. On August 14, 2009, respondent filed a motion to dismiss, contending that petitioner had failed to exhaust state remedies. On February 3, 2010, the court issued an order determining that petitioner had not exhausted claims two and four in the petition. The court directed petitioner to file an amended petition containing only exhausted claims or a motion explaining why the court should stay the action and hold it in abeyance while he exhausts claims two and four in state court. On February 12, 2010, petitioner submitted a motion for stay, but on April 20, 2010, he submitted a notice that he had exhausted claims two and four while the motion for stay was pending. In light of petitioner’s representation to the court that he has exhausted these claims, his motion for stay is moot.

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1 Accordingly, it is HEREBY ORDERED that:

2 1. Petitioner's February 12, 2010 motion for stay is denied as moot.

3 2. Respondent is directed to file and serve an answer, and not a motion, responding to
4 the application within 60 days from the date of this order. *See* Rule 4, Fed. R. Governing
5 § 2254 Cases. The answer shall be accompanied by any and all transcripts or other
6 documents relevant to the determination of the issues presented in the application. *See* Rule 5,
7 Fed. R. Governing § 2254 Cases.

8 3. Petitioner is directed that his reply, if any, shall be filed and served within 30 days of
9 service of an answer.

10 DATED: April 22, 2010.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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