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

JELANI KITWANA HOWARD,

Petitioner,

No. 2:09-cv-0149 JFM (HC)

vs.

MATTHEW CATE, Head of the
California Department of Corrections,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding through counsel, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has paid the filing fee. Petitioner seeks to hold the instant petition in abeyance pending exhaustion of state court remedies.

Since petitioner may be entitled to the requested relief, respondents will be directed to file a response to petitioner’s application for stay and abeyance.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Respondent is directed to file a response to petitioner’s January 15, 2009 application for stay and abeyance within thirty days from the date of this order. Respondent shall include any documents relevant to the determination of the issues presented in the application for stay and abeyance.

