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

ANTHONY FLETCHER,

Petitioner,

No. CIV S-09-1091 FCD DAD P

vs.

JAMES WALKER, Warden,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On October 15, 2009, this action was stayed, and petitioner was directed to file a motion to lift the stay, together with a proposed second amended petition containing only his exhausted claims within thirty days after completion of state habeas proceedings. On March 30, 2010, petitioner informed the court that the California Supreme Court had denied his exhaustion petition on March 10, 2010. On the same day, he filed a motion to lift the stay of this action, a motion to amend his petition, and a proposed second amended petition. Good cause appearing, the court will grant petitioner's motions and direct the Clerk of the Court to re-open this case.

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1            Since petitioner may be entitled to habeas corpus relief if the claimed violations of  
2 constitutional rights are proved, respondent will be directed to file a response to petitioner's  
3 second amended petition.

4            Accordingly, IT IS HEREBY ORDERED that:

5            1. Petitioner's March 30, 2010 motion to lift the stay in this action (Doc. No. 28)  
6 is granted;

7            2. Petitioner's March 30, 2010 motion to amend his petition (Doc. No. 28) is  
8 granted;

9            3. The Clerk of the Court is directed to re-open this case;

10           4. Respondent is directed to file a response to petitioner's March 30, 2010 second  
11 amended petition within sixty days from the date of this order. See Rule 4, Fed. R. Governing §  
12 2254 Cases. An answer shall be accompanied by all transcripts and other documents relevant to  
13 the issues presented in the petition. See Rule 5, Fed. R. Governing § 2254 Cases;

14           5. If the response to the habeas petition is an answer, petitioner's reply, if any,  
15 shall be filed and served within twenty-eight days after service of the answer; and

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

20 DATED: April 6, 2010.

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24 DALE A. DROZD  
25 UNITED STATES MAGISTRATE JUDGE  
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DAD:9  
flet1091.lft