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

ASHMINDAR JEET SINGH,

Petitioner,

No. CIV S-09-1453 GGH P

vs.

MICHAEL MARTEL, Warden,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se and in forma pauperis, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By order, filed on July 14, 2009, this case was administratively stayed pending exhaustion of petitioner’s claims no. 14 and 15, separate ineffective assistance of counsel claims,¹ of the fifteen grounds that he raised challenging his conviction and 39-year-to-life sentence for various sex offenses. Petitioner was directed to advise the court within thirty days of completion of exhaustion.

Petitioner has now filed an amended petition, wherein he indicates all of his claims are now exhausted. Docket # 7, pp. 6, 9, 301. Therefore, the court will now lift the stay.

Since petitioner may be entitled to relief if the claimed violation of constitutional rights is proved, respondents will be directed to file a response to petitioner’s amended habeas

¹ One IAC claim as to appellate counsel and one IAC claim as to trial counsel. See original petition, pp. 71-85 (by the court’s electronic pagination).

1 petition.

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

3 1. The stay in this matter is lifted and this case now proceeds;

4 2. Respondents are directed to file a response to petitioner's amended habeas
5 petition (docket # 7) within sixty days from the date of this order. See Rule 4, Fed. R. Governing
6 § 2254 Cases. An answer shall be accompanied by all transcripts and other documents relevant
7 to the issues presented in the petition. See Rule 5, Fed. R. Governing § 2254 Cases;

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

10 4. If the response to the habeas petition is a motion, petitioner's opposition or
11 statement of non-opposition to the motion shall be filed and served within twenty-eight days after
12 service of the motion, and respondents' reply, if any, shall be filed and served within fourteen
13 days thereafter; and

14 5. The Clerk of the Court shall serve a copy of this order, *the*
15 *consent/reassignment form contemplated by Appendix A(k) to the Local Rules of this court*
16 together with a copy of the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on
17 Michael Patrick Farrell, Senior Assistant Attorney General.

18 DATED: March 5, 2010

/s/ Gregory G. Hollows

19 _____
GREGORY G. HOLLOWES
UNITED STATES MAGISTRATE JUDGE

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