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

FERNANDO MIRANDA CHAVEZ,

Petitioner,

No. CIV S-09-1876 FCD DAD P

vs.

JAMES A. YATES,

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 March 10, 2010, this action was stayed, and petitioner was directed to file a motion to lift the stay, together with a proposed amended petition containing only his exhausted claims within thirty days after completion of state habeas proceedings. Petitioner has informed the court that the California Supreme Court denied his exhaustion petition on September 29, 2010. He has also filed a motion to lift the stay of this action and a proposed amended petition. Good cause appearing, the court will grant petitioner’s motion to lift the stay in this action. The court will also 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 the amended
3 petition.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Petitioner's November 29, 2010 motion to lift the stay in this action (Doc. No.
6 30) is granted;

7 2. The Clerk of the Court is directed to re-open this case;

8 3. Respondent is directed to file a response to petitioner's November 29, 2010
9 amended petition within sixty days from the date of this order. See Rule 4, Fed. R. Governing §
10 2254 Cases. An answer shall be accompanied by all transcripts and other documents relevant to
11 the issues presented in the petition. See Rule 5, Fed. R. Governing § 2254 Cases;

12 4. If the response to the habeas petition is an answer, petitioner's reply, if any,
13 shall be filed and served within thirty days after service of the answer; and

14 5. If the response to the habeas petition is a motion, petitioner's opposition or
15 statement of non-opposition to the motion shall be filed and served within thirty days after
16 service of the motion, and respondent's reply, if any, shall be filed and served within fifteen days
17 thereafter.

18 DATED: December 10, 2010.

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21 _____
22 DALE A. DROZD
23 UNITED STATES MAGISTRATE JUDGE

21 DAD:9
22 chav1876.lft