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

JASON WILBERT JOHNSON,

Petitioner,

No. 2:09-cv-2108 JAM EFB P

vs.

FRANCISCO JACQUEZ,

Respondent.

ORDER

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Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254. On September 13, 2010, the undersigned recommended that petitioner’s motion to stay the case pending the exhaustion of his unexhausted claims be granted; that petitioner be directed to file a state habeas petition containing his unexhausted claims within 30 days, and that petitioner be directed to inform the court within 30 days after his claims were exhausted in state court. Dckt. No. 22. On October 13, 2010, petitioner filed a copy of his California Superior Court habeas petition on this court’s docket. Dckt. No. 24.

On March 2, 2011, the assigned district judge adopted the undersigned’s findings and recommendations in full, granted petitioner’s motion to stay, and ordered petitioner to file a state habeas petition containing his unexhausted claims within 30 days. Dckt. No. 27. Petitioner was also ordered to inform the court within 30 days after his claims had been exhausted in state court.

1 On March 21, 2011, petitioner filed a request for copies of his petition and exhibits filed with  
2 this court. Dckt. No. 31. On June 8, 2011, the undersigned granted petitioner's request for  
3 copies. In the same order, petitioner was ordered to file his state court petition within forty-five  
4 days. Dckt. No. 34. Petitioner was reminded that he is required to inform the court within 30  
5 days after his claims are exhausted in state court. *Id.* On January 13, 2012, the undersigned  
6 again reminded petitioner that he is required to inform the court within 30 days after exhausting  
7 his state court remedies. Dckt. No. 37.

8 On May 22, 2013, petitioner filed with this court a petition for writ of habeas corpus.  
9 Dckt. No. 38. The petition, however, is addressed to the Supreme Court of California. The  
10 proof of service attached to the petition is addressed to the "Supreme Court," but contains the  
11 address for the United States District Court in Sacramento. It is not clear whether petitioner  
12 intends his May 22, 2013 filing to act as notice to this court that he has exhausted his state  
13 remedies, or whether he inadvertently mailed his state habeas petition to this court.

14 Accordingly, petitioner shall notify this court no later than July 12, 2013, of the status of  
15 his state court habeas proceedings. In the event that the May 22, 2013 petition was intended for  
16 the California Supreme Court, but inadvertently mailed to this court, in addition to providing  
17 notice of the status of his state habeas proceedings, petitioner shall file a habeas petition  
18 containing his unexhausted claims in the California Supreme Court no later than July 12, 2013.

19 So ordered.

20 Dated: June 20, 2013.

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22 EDMUND F. BRENNAN  
23 UNITED STATES MAGISTRATE JUDGE  
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