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

JEFFREY ALLEN ISOM,

Petitioner,

No. CIV S-09-2350 GGH P

vs.

LARRY SMALL, Warden,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with an application to proceed in forma pauperis.

Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

Since petitioner may be entitled to relief if the claimed violation of constitutional rights is proved, respondents will be directed to file a response as set forth below.

Petitioner raises some seven grounds in challenging his 2004 Butte County Superior Court conviction on three counts of lewd and lascivious conduct with minors under age 14 in for which he was sentenced to an indeterminate term of 115 years to life (evidently under

1 the three-strikes law). Petition, pp. 1- 20. Of the seven grounds raised, petitioner alleges that  
2 four are unexhausted, and he brings a motion for the petition to be stayed pending the state court  
3 exhaustion of the unexhausted grounds. The court intends to consider respondent's response to  
4 the motion before adjudicating the request for a stay of the petition.

5 Accordingly, IT IS ORDERED that:

6 1. Petitioner's August 24, 2009 (docket # 2), application to proceed in forma  
7 pauperis is granted;

8 2. The Clerk of the Court is directed to serve the petition and the motion to stay  
9 upon respondent; and

10 3. Respondent is directed to review the petition and the pending motion to stay  
11 and to file a response to the motion to stay, filed on August 24, 2009 (docket # 3), within 15  
12 days.

13 DATED: September 15, 2009

14 /s/ Gregory G. Hollows

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16 GREGORY G. HOLLOWS  
UNITED STATES MAGISTRATE JUDGE

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