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

KIRK DOUGLAS WILLIAMS,

Petitioner,

No. CIV S-09-2968 JAM KJM P

vs.

KEN CLARK,

Respondents.

ORDER

_____/

Petitioner is a state prison inmate proceeding pro se with a petition for a writ of habeas corpus under 28 U.S.C. § 2254. On April 28, 2010, this court denied petitioner’s request for a stay of the proceedings and directed respondent to file an answer. Petitioner has filed a motion for reconsideration, a renewed motion for a stay, a motion for relief from judgment and an interlocutory appeal. Respondent has filed a statement of non-opposition to the renewed request for a stay.

In light of respondent’s position and the expanded support for the request, the court will grant the renewed motion for a stay.

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1 1. Petitioner's motions for relief from judgment, for reconsideration and for a
2 stay (docket nos. 12, 13, & 14) are granted and these proceedings are stayed;

3 2. Petitioner is directed to file a status report on the progress of the exhaustion
4 petition within ninety days of the date of this order;

5 3. If the state exhaustion proceedings are not completed within one hundred
6 eighty days of the date of this order, petitioner shall file a second status report, and further
7 reports at ninety day intervals until the exhaustion process is completed. Petitioner is cautioned
8 that failure to file status reports may result in a recommendation that the action be dismissed;

9 4. Within thirty days of the California Supreme Court's resolution of the state
10 action, petitioner shall file a motion to lift the stay together with either a motion to dismiss the
11 action or a motion to file an amended petition, together with the proposed amended petition;

12 5. Respondent's response is due sixty days after any order directing that the stay
13 be lifted. An answer shall be accompanied by all transcripts and other documents relevant to the
14 issues presented in the petition. See Rule 5, Fed. R. Governing § 2254 Cases;

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

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

21 DATED: June 10, 2010.

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24 U.S. MAGISTRATE JUDGE

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