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9	UNITED STATES DISTRICT COURT	
10	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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12	LONNIE DAVID STRINGER,	No. 2:09-cv-2980-GEB-EFB P
13	Petitioner,	
14	v.	
15	JOHN MARSHALL,	ORDER
16	Respondent.	
17		
18	Petitioner is a state prisoner with cour	nsel seeking a writ of habeas corpus. See 28 U.S.C.
18 19		nsel seeking a writ of habeas corpus. <i>See</i> 28 U.S.C. ed respondent's motion to dismiss the action as
	§ 2254. On March 31, 2011, this court grant	
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 19 20 21 22 23 24 25 26 	 § 2254. On March 31, 2011, this court granted barred by the statute of limitations contained Act ("AEDPA"). ECF No. 30. Later that yee limitations provisions are subject to an equita <i>Lampert</i>, 653 F.3d 929 (9th Cir. 2011) (en bar 2013. <i>McQuiggin v. Perkins</i>, U.S, 132 On appeal, the Ninth Circuit affirmed entitled to statutory tolling; (2) the federal state 	ed respondent's motion to dismiss the action as in the Anti-terrorism and Effective Death Penalty ar, the Ninth Circuit concluded that AEDPA's able exception for claims of actual innocence. <i>Lee v.</i> anc). The United States Supreme Court agreed in 3 S. Ct. 1924, 1928, 1933 (2013). this court's determinations that: (1) petitioner is not atute of limitations began to run when petitioner's

However, because this court did not consider whether petitioner qualified for the equitable
 exception based on actual innocence, the Ninth Circuit remanded the case for consideration of
 that single issue, citing *McQuiggin*. *Id*.

The court ordered supplemental briefing and the state court record to address the actual innocence issue. ECF No. 40. The court has received the record and the briefs, but stayed the case at petitioner's request while petitioner asked for DNA testing through the state courts. ECF No. 57. The state court granted petitioner's motion for DNA testing, and petitioner requests that the stay be extended while that testing takes place. ECF Nos. 63, 65, 67. As the outcome of the DNA testing is highly relevant to the issue before it, the court will grant the stay pending the outcome of the testing.

Petitioner also asks for a limited exception to the stay so that he may file a motion for a
court order compelling state officials to run certain fingerprint evidence through all available law
enforcement data bases. Respondent has filed no opposition to this request, and the court will
grant the request.

In sum, the case shall remain stayed pending the outcome of state DNA testing as ordered
by the Solano County Superior Court on June 19, 2015, with a limited exception allowing
petitioner to seek the order regarding fingerprint evidence. Any such motion shall be filed within
30 days of the date of this order, and petitioner shall file a status report within seven days of the
state court hearing on September 4, 2015.

20 So ordered.

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21 Dated: August 11, 2015.

EDMUND F. BRÈNNAN UNITED STATES MAGISTRATE JUDGE