

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

MARQUIS M. DAVIS,

Petitioner,

No. CIV S-09-3510 EFB P

vs.

R. LOPEZ, Warden,

Respondent.

ORDER

Petitioner, a state prisoner proceeding without counsel, seeks a writ of habeas corpus.
See 28 U.S.C. § 2254.

A judge “entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243. It is not apparent from the face of the application that the petitioner is not entitled to relief.

Petitioner has also requested a stay while he exhausts his claims in state court. Thus, before respondent is directed to respond to the petition, respondent may submit briefing regarding whether a stay should issue.

////

