(HC) Davis v	v. Junious
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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	MARQUIS M. DAVIS,
11	Petitioner, No. CIV S-09-3510 EFB P
12	VS.
13	R. LOPEZ, Warden,
14	Respondent. <u>ORDER</u>
15	
16	Petitioner, a state prisoner proceeding without counsel, seeks a writ of habeas corpus.
17	See 28 U.S.C. § 2254.
18	A judge "entertaining an application for a writ of habeas corpus shall forthwith award the
19	writ or issue an order directing the respondent to show cause why the writ should not be granted,
20	unless it appears from the application that the applicant or person detained is not entitled
21	thereto." 28 U.S.C. § 2243. It is not apparent from the face of the application that the petitioner
22	is not entitled to relief.
23	Petitioner has also requested a stay while he exhausts his claims in state court. Thus,
24	before respondent is directed to respond to the petition, respondent may submit briefing
25	regarding whether a stay should issue.
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Doc. 9

Accordingly, it is hereby ordered that:

- 1. The Clerk of the Court shall serve a copy of this order together with a copy of petitioner's February 1, 2010 amended petition for a writ of habeas corpus with any and all attachments on Michael Patrick Farrell, Senior Assistant Attorney General for the State of California. The Clerk of the Court also shall serve on the Senior Assistant Attorney General the consent form used in this court;
- 2. Respondent shall file an opposition or a statement of non-opposition to petitioner's request for a stay within 30 days of the date of this order;
 - 3. Petitioner's reply, if any, shall be filed and served within 14 days thereafter;
- 4. The Clerk of the Court shall terminate dckt. no. 8, petitioner's motion for status report and request for ruling on stay of abeyance.

Dated: May 20, 2010.

EDMUND F. BRENNAN

UNITED STATES MAGISTRATE JUDGE