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

LOUIS VOTINO,

Petitioner,

No. 2:10-cv-1784 MCE-JFM (HC)

vs.

FRANCISCO JACQUEZ,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By order filed October 19, 2010, this matter was stayed pending exhaustion of state remedies as to petitioner’s claim of newly discovered evidence of actual innocence and petitioner was directed to file a motion to lift the stay within thirty days from the date of any order by the California Supreme Court resolving that claim. On March 28, 2012, petitioner filed a first amended petition for writ of habeas corpus.

Good cause appearing, IT IS HEREBY ORDERED that:

1. The first amended petition for writ of habeas corpus filed by petitioner on March 28, 2012 is construed as including a motion to lift the stay of this action;
2. Within fifteen days from the date of this order respondent shall file and serve a response to said motion; and

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3. Petitioner's reply, if any, shall be filed and served not later than ten days thereafter.

DATED: April 18, 2012.

  
UNITED STATES MAGISTRATE JUDGE

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