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

DEANDRE CERRONE SCOTT,

Petitioner,

No. 2:10-cv-2492 WBS GGH P

vs.

MIKE McDONALD,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, has filed an application pursuant to 28 U.S.C. § 2254. Petitioner has filed a motion for leave to file an amended petition, in a matter that had previously been deemed submitted.¹ In opposition, respondent contends, inter alia, that petitioner’s proposed additional claims are unexhausted. See Opposition. Although petitioner has attached a copy of a December 21, 2011, post-card denial by the state Supreme Court to his proposed amended petition, he has not provided a copy of the habeas petition he put before the state Supreme Court with respect to the proposed new claims. As a threshold matter before the

¹ Petitioner was granted leave to file a reply/traverse, by order filed on June 29, 2011, within 28 days, after which the petition was to be deemed submitted. The traverse was filed on July 28, 2011. The motion for leave to amend was filed on March 27, 2012. Pursuant to the court’s order, filed on April 13, 2012, respondent filed a response (in the form of an opposition), on April 18, 2012, following which petitioner filed a reply, file-stamped May 30, 2012, which by application of the mailbox rule, was filed on May 8, 2012.

