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

10 JOHALMO ROBLES,

11 Petitioner,

No. CIV S-10-3398 GGH P

12 vs.

13 MATTHEW CATE,

14 Respondents.

ORDER

15 \_\_\_\_\_/  
16 Petitioner, a state prisoner proceeding with retained counsel, has filed an  
17 application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has paid the  
18 filing fee.

19 Petitioner has also requested that this federal petition be held in abeyance pending  
20 exhaustion of state remedies as a case is pending in the California Supreme Court. However,  
21 petitioner has not set forth any arguments demonstrating why this petition should be held in  
22 abeyance.<sup>1</sup>

23 Within 21 days, petitioner shall file a brief indicating why this petition should be  
24 \_\_\_\_\_

25 <sup>1</sup> Petitioner only argues that the federal case should be held in abeyance as petitioner is in the  
26 custody of the U.S. Immigration and Customs Enforcement and is pending deportation. However,  
it is unclear how pending deportation would be benefitted by holding this case in abeyance.

1 held in abeyance. Within 21 days of petitioner's filing, respondent shall file a reply.

2 In accordance with the above, IT IS HEREBY ORDERED that:

3 1. Within 21 days, petitioner shall file a brief indicating why this petition should  
4 be held in abeyance;

5 2. Within 21 days of petitioner's filing, respondent shall file a reply.

6 3. The Clerk of the Court shall serve a copy of this order, *the*  
7 *consent/reassignment form contemplated by Appendix A(k) to the Local Rules of this court*  
8 together with a copy of petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C.  
9 § 2254 on Michael Patrick Farrell, Senior Assistant Attorney General.

10 DATED: January 11, 2011

11 /s/ Gregory G. Hollows

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13 GREGORY G. HOLLOWS  
14 UNITED STATES MAGISTRATE JUDGE

14 GGH:md  
15 roble3398.brf