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

REGINALD THOMAS BUNN, JR.,

Petitioner,

No. CIV S-11-1373 DAD P

vs.

RAUL LOPEZ,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

By way of background, petitioner commenced this action by filing a petition for writ of habeas corpus, together with a motion for a stay and abeyance. In his motion for stay and abeyance, petitioner acknowledged that two of the three grounds for federal habeas relief presented in his pending petition were unexhausted. Petitioner noted that he was awaiting a decision from the California Supreme Court on these unexhausted claims.

On September 9, 2011, the court issued an order explaining to petitioner that, according the California Supreme Court’s website, his pursuit of habeas corpus relief in state court was now complete. Specifically, on August 24, 2011, that court denied his habeas petition in Case No. S191495. If such was the case, the court ordered petitioner to file an amended

1 federal habeas petition containing all of his exhausted claims in this action and updating the
2 allegations thereof to include reference to his exhaustion petition and the California Supreme
3 Court's denial thereof.

4 In response to the court's order, petitioner has filed a motion for an extension of
5 time to file an amended petition. Therein, he notes that he agrees with this court that his pursuit
6 of habeas corpus relief in state court is now complete. However, he claims that he requires
7 additional time to draft his amended federal petition. Good cause appearing, the court will deny
8 petitioner's motion for a stay and abeyance as moot and grant petitioner's motion for an
9 extension of time to file an amended petition.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Petitioner's motion for a stay and abeyance (Doc. No. 3) is denied as moot;
- 12 2. Petitioner's motion for an extension of time (Doc. No. 6) is granted; and
- 13 3. Within sixty days of the date of service of this order petitioner shall file an
14 amended petition containing all of his exhausted claims in this action.

15 DATED: October 17, 2011.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE