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

LAMONT A. HOUZE, II,

Petitioner,

No. CIV S-12-0686 GEB GGH P

vs.

STATE OF CALIFORNIA,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner is a former state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner was found guilty by a jury of felony stalking and was sentenced to two years in prison, and has since been released.

Petitioner originally filed a habeas petition challenging this conviction in case, S-10-1479 GEB GGH P.<sup>1</sup> In that case the petition was dismissed without prejudice as petitioner had failed to exhaust state court remedies. In S-11-1549 GEB GGH, petitioner refiled the petition, but on February 15, 2012, the case was again dismissed without prejudice as a mixed petition, as petitioner had failed to fully exhaust three of the four claims and did not request a stay. Petitioner filed two more actions regarding this case in S-12-0173 KJM KJN P and S-12-

<sup>1</sup> A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

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2 Petitioner filed the instant petition on March 19, 2012, and the case was  
3 transferred to the undersigned on April 9, 2012. The petition contains the same exhausted and  
4 unexhausted claims that were dismissed without prejudice on February 15, 2012, and an  
5 additional claim. Petitioner states he believes he has exhausted the claims (Doc. 6), however,  
6 that would require a petition having been filed and denied by the California Supreme Court in the  
7 last thirty days and petitioner has not presented any exhibits to support this assertion.<sup>3</sup> Therefore,  
8 within seven (7) days petitioner shall provide documentation demonstrating exhaustion of the  
9 claims in the instant petition.

10 Accordingly, IT IS HEREBY ORDERED that within seven (7) days petitioner  
11 shall provide documentation demonstrating exhaustion of the claims in the instant petition.

12 Dated: April 10, 2012

13 /s/ Gregory G. Hollows  
14 UNITED STATES MAGISTRATE JUDGE

14 ggh: ab  
15 houz0686.ord

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<sup>3</sup> A petitioner satisfies the exhaustion requirement by providing the highest state court with a full and fair opportunity to consider all claims before presenting them to the federal court. Picard v. Connor, 404 U.S. 270, 276, 92 S.Ct. 509 (1971); Middleton v. Cupp, 768 F.2d 1083, 1086 (9th Cir. 1985).