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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL SETH MACIEL,
Petitioner,
v.
WILLIAM KNIPP,
Respondent.

No. 2:12-cv-1023 MCE AC P

ORDER

By Order filed on July 15, 2012 (ECF No. 14), the court granted petitioner’s request for a stay in this habeas matter pursuant to Kelly v. Small 315 F.3d 1063, 1070 (9th Cir. 2003). Petitioner was directed to exhaust his state remedies forthwith, and to inform this court within thirty days of a decision by the state’s highest court exhausting his new claims. Petitioner was also directed at such time to request a lift of the stay and to file an amended petition setting forth all of his claims.

This case has now been stayed for more than fifteen months with no communication from petitioner.

Accordingly, IT IS ORDERED that petitioner, within thirty (30) days must:

- 1. Inform the court as to the status of his state court petition; and

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2. Show cause why the stay in this matter should not be lifted and this case proceed on the two apparently exhausted claims of his original petition.

DATED: October 28, 2013



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

maci1023