

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN TORRES,
Petitioner,
v.
TIM VIRGA, Warden, et al.,
Respondent.

No. 2:12-cv-1358 TLN DAD P

ORDER

Petitioner is a state prisoner proceeding through appointed counsel with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By order dated February 17, 2015, this action was stayed for the fourth time. Petitioner was directed to file a status report before the expiration of the stay and to notify the court and opposing counsel of the status of several petitions for certiorari pending before the United States Supreme Court in the event that the stay had not been lifted before the period of the stay had expired.

On April 15, 2015, petitioner filed the required status report. Therein, petitioner has provided the court with an update on the status of various relevant petitions pending before the United States Supreme Court concerning petitioner’s Eighth Amendment challenge to his sentence. Petitioner has also advised the court that his investigation into his ineffective assistance of counsel claim should be completed within six weeks and that he expects to present new sentencing mitigation and risk assessment information to the state courts in a habeas petition.

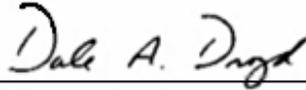
1 Petitioner states that he intends to file a motion to stay and abey these proceedings within 60-90
2 days.

3 Good cause appearing, the court will grant an additional 90 day stay of this action.
4 Petitioner's motion for a stay and abeyance of this action, if any, shall be filed before the
5 expiration of the stay.

6 Accordingly, IT IS HEREBY ORDERED AS FOLLOWS:

- 7 1. This action is stayed for ninety days from the date of this order.
- 8 2. During the ninety day period of the stay, petitioner's counsel shall keep the court
9 apprised of any legal developments that would justify a lifting of the stay.

10 Dated: April 29, 2015



11
12 DALE A. DROZD
13 UNITED STATES MAGISTRATE JUDGE

13 DAD:8
14 Torres1358.stay(4)

15
16
17
18
19
20
21
22
23
24
25
26
27
28