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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH AUGUST MARSALA,
Petitioner,
v.
HEIDI LACKNER,
Respondent.

No. 2:13-cv-1614 CKD P

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, together with an application to proceed in forma pauperis. Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

Petitioner asks that this action be stayed so that he may exhaust state court remedies with respect to additional claims. Good cause appearing, that request will be granted and plaintiff will be ordered to inform the court when exhaustion has occurred.

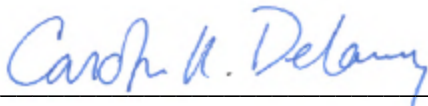
In accordance with the above, IT IS HEREBY ORDERED that:

1. Petitioner’s motion to proceed in forma pauperis (ECF No. 2) is granted.
2. Petitioner’s motion to stay this action (ECF No. 3) is granted. This action is stayed and the Clerk of the Court is directed to administratively close this case.

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3. Within 30 days of exhaustion of state court remedies, petitioner shall either dismiss this action pursuant to Rule 41 of the Federal Rules of Civil Procedure, indicate he is ready to proceed with the habeas petition already on file, or file a motion seeking leave to file an amended petition with the proposed amended petition.

Dated: August 12, 2013



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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