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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDUARDO LISEA,

 Petitioner,

 v.

STU SHERMAN,

 Respondent.

No. 2:14-cv-1766 CKD P

ORDER

 Petitioner, a state prisoner proceeding through counsel, has consented to this court’s jurisdiction pursuant to 28 U.S.C. § 636(c) and Local Rule 302. On July 2014, the undersigned determined that the petition in this action was “mixed,” containing both exhausted and unexhausted claims. On September 8, 2014, the undersigned denied petitioner’s motion to stay this action pursuant to Rhines v. Weber, 544 U.S. 269 (2005). Petitioner was granted thirty days to file an amended petition containing only exhausted claims or face dismissal of this action without prejudice. The thirty days has passed, and petitioner has not filed an amended petition.

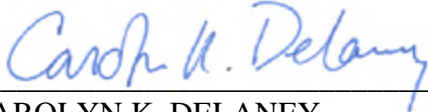
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Accordingly, IT IS HEREBY ORDERED THAT:

1. The petition is dismissed without prejudice to re-filing if and when state remedies are exhausted as to all claims;
2. The Clerk of Court shall close this case; and
3. The court declines to issue a certificate of appealability under 28 U.S.C. § 2253.

Dated: October 27, 2014



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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