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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

OMAR VALDIVIA,
Petitioner/Plaintiff,
v.
S. FRAUENHEIM, (Warden),
Respondent/Defendant.

No. 2:14-CV-02097-TLN-KLN

ORDER TO LIFT STAY

This matter is before the Court pursuant to Petitioner Omar Valdivia’s (“Petitioner”) Motion to Lift Stay. (ECF No. 26.) On October 16, 2015, the Court adopted Magistrate Judge Newman’s Findings and Recommendations in full and granted Petitioner’s Motion to Stay Proceedings Pending Exhaustion of State Court Remedies. (ECF Nos. 23, 24 & 25.) The Court ordered that Petitioner “file a motion to lift the stay of this action within thirty days from the date of any order by the California Supreme Court addressing Petitioner’s habeas petition.” (ECF No. 25 at 2.)

On September 22, 2015, Petitioner filed for writ of habeas corpus in the California Supreme Court to exhaust state remedies (*In re Omar Valdivia*, S229439). (ECF No. 26 at 2.) On January 13, 2016, the California Supreme Court denied the state habeas petition. (ECF No. 26 at 2–3; ECF No. 26-2 at 1.) Petitioner now moves this Court for an order lifting the stay.

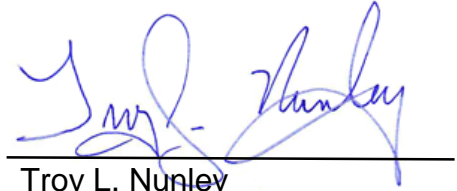
1 (ECF No. 26.) Petitioner has demonstrated exhaustion of state remedies and therefore the stay
2 issued October 16, 2015, is lifted.

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4 Dated: February 8, 2016

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Troy L. Nunley
United States District Judge

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