

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

JOSE PLASCENCIA,
Petitioner,
v.
DAVE DAVEY, Warden,
Respondent.

No. 2:14-cv-2412 WBS KJN P

ORDER

Petitioner is a state prisoner, proceeding without counsel. By order filed February 27, 2015, the instant action was stayed pursuant to Kelly v. Small, 315 F.3d 1063, 1071 (9th Cir. 2002). Petitioner has now filed a motion to lift stay, as well as a second amended petition for writ of habeas corpus.

Good cause appearing, petitioner’s motion to lift the stay is granted. Respondent shall file a responsive pleading within sixty days.

Accordingly, IT IS HEREBY ORDERED that:

- 1. Petitioner’s motion to lift the stay (ECF No. 16) is granted;
- 2. The Clerk of the Court is directed to reopen the case; and

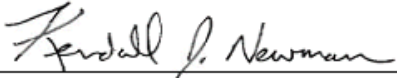
///
///
///

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

3. Respondent is directed to file a responsive pleading, as instructed in the December 29, 2014 order, within sixty days from the date of this order.

Dated: June 24, 2015

/plas2412.lft


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE