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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY ALTAMIRANO SERMENO,
Petitioner,
v.
M.E. SPEARMAN,
Respondent.

No. 2:14-cv-02729 DB P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1.) Petitioner is now proceeding on his first amended petition. (ECF No. 9.)

Petitioner filed his initial petition on November 20, 2014. (ECF No. 1.) On August 17, 2015, then-Magistrate Judge Dale A. Drozd entered an order dismissing the petition for failure to exhaust all claims in state court. (ECF No. 8.) However, the court afforded petitioner the opportunity to file an amended petition along with a motion for stay and abeyance pursuant to Rhines v. Weber, 544 U.S. 269, 273 (2005). Petitioner then timely filed the first amended petition (ECF No. 9) and motion for stay and abeyance (ECF No. 12).

On August 2, 2016, the case was reassigned to the undersigned. (ECF No. 16.) On November 23, 2016, the undersigned entered an order requiring petitioner to file a statement explaining whether he had exhausted all six claims raised in the first amended petition by raising

1 them and receiving a ruling from the California Supreme Court. (ECF No. 19.) Petitioner timely
2 filed a statement on the record affirming that all six claims were exhausted in state court. (ECF
3 No. 21.)

4 Accordingly, the petitioner's motion to stay is moot since there are no longer unexhausted
5 claims in state court, which would necessitate a stay. Therefore, IT IS HEREBY ORDERED that
6 petitioner's motion to stay (ECF No. 12) is denied as moot. By separate order, the court will
7 screen the first amended petition and address petitioner's recently-filed motion for
8 reconsideration (ECF No. 23).

9 Dated: February 13, 2017

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12 DEBORAH BARNES
13 UNITED STATES MAGISTRATE JUDGE
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