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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT C. TURNER,
Petitioner,
v.
BRIAN DUFFY,
Respondent.

No. 2:15-cv-2356 CKD P

ORDER

Petitioner is a state prisoner proceeding with counsel with petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has paid the filing fee.

Petitioner asserts that he has not exhausted state court remedies with respect to the claim identified as claim 1 in his petition and seeks a stay of this action pursuant to Rhines v. Weber, 544 U.S. 269, 277 (2005), until state court remedies are exhausted. Because petitioner’s health issues demonstrate good cause for his failure to exhaust earlier, and because the unexhausted claim is at least potentially meritorious, petitioner’s request for a stay will be granted.¹

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/////

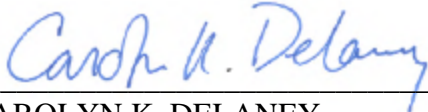
¹ Petitioner is informed that the granting of a stay does not necessarily have any tolling effect on the applicable statute of limitations. Also, by this order, the court makes no ruling or representation regarding the timeliness of this action or any claim presented in petitioner’s petition for writ of habeas corpus.

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

1. Petitioner's request that this action be stayed is granted;
2. This matter is stayed and the Clerk of the Court is directed to administratively close this case; and
3. Counsel for petitioner shall inform the court within 14 days after exhaustion of state court remedies with respect to the claim identified as claim 1 in petitioner's petition for writ of habeas corpus.

Dated: November 17, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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