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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 JIMMY GARFIELD NOLEN,

12 Petitioner,

13 v.

14 E. VALENZUELA,

15 Respondent.
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No. 2:16-cv-0041 DB

ORDER

17 Petitioner, a state prisoner proceeding pro se, has filed a petition for writ of habeas corpus
18 pursuant to 28 U.S.C. § 2254. (ECF No. 1.)


19 Petitioner filed his initial petition on December 22, 2015. (ECF No. 1.) Respondent filed
20 an answer on April 22, 2016. (ECF No. 18.) On May 13, 2016, petitioner filed a motion to stay
21 his petition and hold it in abeyance while he exhausts the unexhausted claims in state court. (ECF
22 No. 20.) Respondent never filed a response to this motion and the court has yet to rule on it. On
23 September 16, 2016, petitioner filed a first amended petition for writ of habeas corpus. (ECF No.
24 22.) The claims in the amended petition are the same as in the original; however, in the amended
25 petition, petitioner indicates that all claims have been exhausted in state court at this time. (Id.)

26 Accordingly, at this point, the purpose of petitioner's motion to stay is moot since there
27 are no longer unexhausted claims in state court, which would necessitate a stay. Therefore, IT IS
28 HEREBY ORDERED that petitioner's motion to stay is denied as moot. Furthermore,

1 respondent has not submitted any filings addressing petitioner's first amended petition.

2 Therefore, IT IS HEREBY ORDERED that respondent shall, within thirty days of the date of this
3 order, address petitioner's first amended petition (ECF No. 22).

4 Dated: January 5, 2017

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7 DEBORAH BARNES
8 UNITED STATES MAGISTRATE JUDGE
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