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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HOWARD FORBES,
Petitioner,
v.
DANIEL PARAMO,
Respondent.

No. 2:16-cv-1884 MCE GGH

ORDER

Petitioner is proceeding with the case in pro se. On August 17, 2016 this court issued and Order and Findings and Recommendations that he be granted a stay to permit him to satisfy the exhaustion requirement of 28 U.S.C. section 2254(b)(1), a condition precedent to a determination of a federal petition for habeas corpus on its merits, and directing him to complete an application to proceed in forma pauperis. ECF No. 6. The District Court adopted the Recommendations and granted a stay of this proceeding on January 6, 2017 pursuant to Rhines v. Weber, 544, U.S. 269 (2005). ECF No. 12.

To date petitioner has not updated the court on the status of his exhaustion efforts, but the court has independently determined that he did place his matter before the Third District Court of Appeals and that court entered a ruling in Case No. A105965 on April 12, 2017.¹ The court has

¹ This fact was determined by reference to the appellate court’s web site, which is a source to which Judicial Notice may be accorded under Federal Rule of Evidence section 201(b)(2).

1 not been able to view the dockets of the California Supreme Court in order to determine whether
2 exhaustion efforts have proceeded in that forum and/or been decided by that court.

3 It light of the foregoing IT IS HEREBY ORDERED that:

4 1. The petitioner shall, within 30 days of the entry of this Order file a statement
5 notifying the court whether he has a matter pending before the California Supreme Court or that
6 the Supreme Court has considered a habeas petition and ruled on it;

7 2. Petitioner shall also proceed to file the request for in forma pauperis status directed
8 in the court's Order and Findings and Recommendations of August 27, 2016, ECF No. 6 within
9 the same 30 day time frame.

10 **IT IS SO ORDERED.**

11 Dated: August 7, 2017

12 /s/ Gregory G. Hollows
13 UNITED STATES MAGISTRATE JUDGE
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