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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TAMARA NICOLE BASSETT,
Petitioner,
v.
SCOTT M. KERNAN,
Respondent.

No. 2:16-cv-2428 JAM AC P

ORDER


Petitioner, a state prisoner proceeding through counsel, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On November 28, 2016, respondent filed a motion to dismiss which is set for hearing on February 15, 2017. ECF No. 6. In response to the motion to dismiss, petitioner requested that, if the court found her petition timely but her ineffective assistance of counsel claim unexhausted, she be granted a stay under Rhines v. Weber, 544 U.S. 269 (2005). ECF No. 12 at 5-7. Although the request for stay was not put forth as a separate motion, in the interest of judicial efficiency and so that all issues are fully briefed prior to the February 15, 2017 hearing, the court will allow petitioner to reply to respondent’s opposition to the request for stay.

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Accordingly, IT IS HEREBY ORDERED that petitioner shall have until February 9, 2017, to file an optional reply to respondent's opposition to her request for a Rhines stay.

DATED: February 2, 2017



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE