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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANCOIS P. GIVENS,
Petitioner,
v.
KIMBERLY SEIBEL,
Respondent.

No. 2:17-cv-0328 CKD P

ORDER

Petitioner, a California prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He requests leave to proceed in forma pauperis. Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

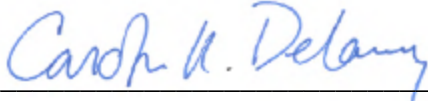
With his petition, petitioner has filed a motion asking that this action be stayed while petitioner exhausts state court remedies with respect to additional claims. Subject to the conditions identified below, that request will be granted. Petitioner is informed, however, that by staying this action, the court makes no representation as to whether any claim in petitioner’s original petition is timely under the applicable statute of limitations, 28 U.S.C. § 2244(d), or that that any claim brought on some later date will be deemed timely. Issues concerning the statute of limitations will not be addressed unless raised by respondent.

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

1. Petitioner's request for leave to proceed in forma pauperis (ECF No. 2) is granted;
2. Petitioner's motion for a stay (ECF No. 3) is granted;
3. Within 30 days of exhaustion of state court remedies, petitioner shall file an amended petition for writ of habeas corpus in which petitioner asserts all of his claims; and
4. The Clerk of the Court is directed to administratively close this case.

Dated: February 28, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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