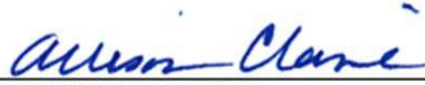


1 address each of these factors, the court will proceed to order service of the petition without a stay.
2 Petitioner is advised that if he proceeds on the petition as is, based on his representation that the
3 petition is fully unexhausted, the entire petition will be subject to dismissal as unexhausted absent
4 the state's express waiver of exhaustion and it is likely that the petition will ultimately be
5 dismissed. Petitioner is further advised that he does not require and should not wait for an order
6 from this court to exhaust his claims in state court.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Petitioner's motion for stay (ECF No. 7) is denied without prejudice.
- 9 2. Within thirty days of service of this order, petitioner may file a motion for stay and
10 abeyance under Rhines while he returns to state court to exhaust his state court remedies.
- 11 3. If petitioner does not file a motion for stay or if he does not address all three Rhines
12 factors, the court will proceed to order service of the petition without a stay and any unexhausted
13 claims will be subject to dismissal unless the respondent explicitly waives the exhaustion
14 requirement.

15 DATED: July 13, 2017

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17 ALLISON CLAIRE
18 UNITED STATES MAGISTRATE JUDGE
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