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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC ROYCE LEONARD,
Petitioner,
v.
RON DAVIS,
Respondent.

No. 2:17-cv-0796 JAM AC DP


ORDER

Currently before the court are respondent’s motion for leave to file a motion to dismiss (ECF No. 46) and petitioner’s motion for a stay and abeyance (ECF No. 49). Petitioner has also filed a statement of non-opposition in response to the motion for leave. ECF No. 48.

Accordingly, IT IS HEREBY ORDERED that:

1. Respondent’s motion for leave to file a motion to dismiss (ECF No. 46) is granted and respondent shall file his motion to dismiss within seven days of the filing of this order.
2. Respondent shall notice the motion to dismiss to be heard at the same time as petitioner’s motion for stay and abeyance.
3. The February 6, 2019 hearing on the motion for leave is vacated.

DATED: January 24, 2019


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE