

1 (3) petitioner has been diligent in pursuing relief. See also Mena v. Long, 813 F.3d 907, 910-12
2 (9th Cir. 2016) (extending the Rhines stay and abeyance procedure to federal habeas petitions that
3 are wholly unexhausted).

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Petitioner file a request for a stay and abeyance addressing each of the three Rhines
6 factors described above within 30 days from the date of this order; or,
- 7 2. Petitioner may file a notice of exhaustion if he has fully exhausted his state court
8 remedies;
- 9 3. Respondent may file an opposition to the request for a stay within 14 days from the
10 date of filing of the stay request; and,
- 11 4. The Clerk of Court is directed to substitute Suzanne M. Peery, Warden of the
12 California Correctional Center, as respondent in this matter pursuant to Rule 25(d) of the Federal
13 Rules of Civil Procedure.

14 Dated: November 30, 2017



15 CAROLYN K. DELANEY
16 UNITED STATES MAGISTRATE JUDGE

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