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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFERY JOHN MILLS,
Petitioner,
v.
RONALD DAVIS,
Respondent.

No. 2:17-cv-2195 WBS DB
DEATH PENALTY CASE
ORDER

Petitioner is a condemned state prisoner proceeding with a petition for a writ of habeas corpus under 28 U.S.C. § 2254. On June 13, 2019, the parties filed a joint statement regarding the exhaustion status of the claims in the amended petition. (ECF No. 37.) They agree that numerous issues are unexhausted and specifically identify those issues. (See id. at 2-5.) Petitioner states that he intends to file a motion for stay and abeyance of these proceedings pending exhaustion of these issues in state court. The parties have proposed a briefing schedule for that motion. The court finds the proposed schedule appropriate.

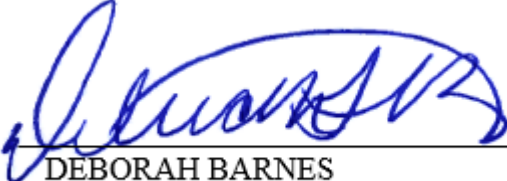
Accordingly, and good cause appearing, IT IS HEREBY ORDERED that:

1. Within 45 days of the filed date of this order, petitioner shall file any motion to stay and abey these proceedings pending exhaustion of the issues identified in the parties' June 13 joint statement.
2. Within 30 days of the filing of that motion, respondent shall file a response.

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- 3. Within 15 days of the filing of a response, petitioner may file a reply.
- 4. The motion need not be set for oral argument. If the court finds argument necessary, it will schedule a hearing.

Dated: June 14, 2019



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:9
DB/orders.capital/mills stay brf.or