UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JAKE CLARK,

Plaintiff,

v.

RAYTHEL FISHER, JR.,

Defendant.

No. 2:17-cv-02574-TLN-GGH

ORDER

Petitioner proceeds pro se and in forma pauperis in this pro se habeas corpus action.

The petition in this case was filed on December 8, 2017. ECF No. 1. On February 23, 2018, respondent filed a motion to dismiss the petitioner on the ground that it contained unexhausted claims and therefore that he was not eligible to proceed pursuant to 28 U.S.C. section 2254(b), which requires that all matters brought to the federal district court must be shown to have been first presented to the state's highest court. See O'Sullian v. Boerckel, 526 U.S. 838, 844, 845 (1999). ECF No. 17. Petitioner tacitly agreed with respondent's position by filing a motion for a 30 day extension of time to permit him to file a motion for stay and abeyance. ECF. No. 19.

In light of the foregoing, IT IS HEREBY ORDERED that:

1. Petitioner's request for an extension of time is GRANTED;

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2. Thirty days from the date of this Order, petitioner shall file his motion for stay and abeyance in conformity with the requirements of Rhines v. Weber, 544 U.S. 269 (2005).

IT IS SO ORDERED.

Dated: March 23, 2018

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE