

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAKE CLARK,
Petitioner,
v.
RAYTHEL FISHER, JR.,
Respondent.

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

ORDER

Petitioner brings this habeas corpus action pro se and in forma pauperis. The petition was filed on December 8, 2017 ECF No. 1, and on February 23, 2018 the respondent moved to dismiss the petition for failure to exhaust pursuant to 28 U.S.C. section 2254(b)(1)(A). ECF No. 17. On March 12, 2018 petitioner sought a 30 day extension of time to file a motion for stay and abeyance to permit him to exhaust his state remedies, ECF No. 19, and on March 23 2018, this court granted that Motion directing that petitioner to file a Motion for Stay and Abeyance within 30 days of the service of the Order. ECF No. 20. In the interim between the filings found in ECF Nos. 19 and 20, petitioner filed an Opposition to the Motion to Dismiss which, upon review, appears to be a fully briefed request for stay and abeyance pursuant to Rhines v. Weber, 544 U.S. 269 (2005).

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

1. Petitioner’s brief in opposition to respondent’s Motion to Dismiss is hereby

