Doc. 22 (HC) Clark v. Fisher 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JAKE CLARK, No. 2:17-cv-02574-TLN-GGH 12 Petitioner. 13 **ORDER** v. 14 RAYTHEL FISHER, JR., 15 Respondent. 16 17 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 18 19 dismiss the petition for failure to exhaust pursuant to 28 U.S.C. section 2254(b)(1)(A). ECF No. 20 17. On March 12, 2018 petitioner sought a 30 day extension of time to file a motion for stay and 21 abeyance to permit him to exhaust his state remedies, ECF No. 19, and on March 23 2018, this 22 court granted that Motion directing that petitioner to file a Motion for Stay and Abeyance within 23 30 days of the service of the Order. ECF No. 20. In the interim between the filings found in ECF 24 Nos. 19 and 20, petitioner filed an Opposition to the Motion to Dismiss which, upon review, 25 appears to be a fully briefed request for stay and abeyance pursuant to Rhines v. Weber, 544 U.S. 26 269 (2005). 27 In light of the foregoing, IT IS HEREBY ORDERED that: 28 1. Petitioner's brief in opposition to respondent's Motion to Dismiss is hereby 1

1	redenominated as a Motion for Stay and Abeyance;
2	2. Respondent shall file either an Opposition to the Motion or a Statement of Non-
3	Opposition in accordance with Eastern District of California Local Rule [Local Rule] 230(c)
4	within 30 days of the date of this Order;
5	3. Petitioner shall file a Reply to the Opposition pursuant to if he so desires pursuant
6	to Local Rule 230(d) within 10 days of the service of the Opposition, if any.
7	IT IS SO ORDERED.
8	Dated: May 10, 2018
9	<u>/s/ Gregory G. Hollows</u> UNITED STATES MAGISTRATE JUDGE
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