

1 Respondent sought and was granted a 30 day extension of time to respond to the petitioner's
2 motion, ECF Nos 23, 24, and petitioner filed an opposition thereto on July 10, 2018. ECF No.
3 25.

4 On September 4, 2018 the court issued an Order dismissing both the petition and the
5 motion for stay and abeyance with leave to amend within 30 days in conformity with instructions
6 given in the order as to the proper content of both documents. ECF No. 29. Petitioner has not
7 responded to this Order, except to brief the merits of some claims. ECF No. 30.

8 By petitioner's not completing what was ordered by the undersigned, the pleadings in this
9 case are non-cognizable. The court cannot pick and choose from various filings what the issues
10 actually are in this case, and whether those issues have been exhausted, or will be subject to stay.
11 Given the dismissal order in ECF No. 29, there is no petition pending at this time.

12 Accordingly, petitioner is again ORDERED to file an amended petition within thirty days
13 being careful to list each issue specifically, give the specific facts related to each issue, state
14 whether each issue is exhausted and, if not, why the court should hold the petition in abeyance.
15 Petitioner may repeat his merits argument of ECF No. 30, if petitioner desires the court to take
16 such arguments into account. The exhaustion statement shall include the facts relating to why
17 the issue was not exhausted previously, i.e., whether petitioner has exercised diligence in
18 requesting the stay and abeyance for *each* issue. The exhaustion statement will be utilized by the
19 undersigned in opposition to respondent's objections to granting a stay and abeyance, see ECF.
20 No. 25.

21 ECF No. 31 is vacated as superfluous.

22 Petitioner is advised that this Order, as was the Order in ECF No. 29, is not optional. If
23 the amended petition is not filed in accordance with the terms of this Order, a recommendation
24 will be made that the entire action be dismissed.

25 **IT IS SO ORDERED.**

26 Dated: December 17, 2018

27 /s/ Gregory G. Hollows

28 UNITED STATES MAGISTRATE JUDGE