

1 2019, recommending the dismissal of that case without prejudice because duplicative of the
2 instant case. See id., ECF No. 4. This assessment is consistent with petitioner’s express intent
3 that his recently filed petition be construed as an amended petition in the instant case.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The Clerk of Court shall file in the instant case a copy of the petition filed in Turner v.
6 Eldridge, Case No. 2:19-cv-01577 KJM GGH P (ECF No. 1), and designate it in this case as a
7 “First Amended Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254.”

8 2. Within thirty (30) days after service of this order, petitioner shall file a motion to lift
9 the stay in this action and to proceed on the First Amended Petition; the motion shall identify the
10 claims that were recently exhausted in the state courts and any claims that were previously
11 exhausted, and shall explain how all of petitioner’s claims are now ripe for decision before this
12 court.

13 3. Failure of petitioner to timely file a motion to lift the stay in this action and to proceed
14 on the First Amendment Petition will result in a recommendation that this action be dismissed
15 without prejudice.

16 IT IS SO ORDERED.

17 DATED: September 18, 2019

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19 ALLISON CLAIRE
20 UNITED STATES MAGISTRATE JUDGE
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