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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GRANVAL G. HUNTER-HARRISON,  
JR.,

Petitioner,

v.

M. ATCHLEY,

Respondent.

No. 2:20-cv-0592 WBS CKD P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 9, 2020, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. Petitioner has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed December 9, 2020, are adopted in full.

2. Respondent’s motion to dismiss (ECF No. 11) is denied based on the statute of limitations and granted to the extent that claims one and two are state law claims not cognizable on federal habeas corpus.

3. Claims one and two in petitioner’s federal habeas application (ECF No. 1) be dismissed because they are non-cognizable state law claims for relief.

4. Petitioner’s motion to stay these proceedings pursuant to Rhines v. Weber, 544 U.S. 269 (2005), (ECF No. 14), be granted.


5. The Clerk of Court be directed to administratively close this case.

6. Petitioner be directed to file a status report with the court every 90 days indicating what effort(s) he has taken to properly exhaust his ineffective assistance of counsel claims by pursuing habeas corpus relief in state court.

7. Upon the completion of state habeas review, petitioner is directed to file a motion to lift the stay within 30 days from the date of any decision by the California Supreme Court.

8. Petitioner’s failure to file the status reports or to properly exhaust his state court remedies will result in an order lifting the stay of this case and the ineffective assistance of counsel claims will be dismissed as unexhausted.

Dated: February 16, 2021

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

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