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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

<p><b>WILLIAM J. RAMOS, JR.,</b>  Petitioner,  v.  <b>KEVIN CHAPPELL, Warden of California State Prison at San Quentin,</b>  Respondent.</p>	<p><b>CAPITAL CASE</b> Case No. C 05-3752 SI  <del>[PROPOSED]</del> <b>ORDER REGARDING PROCEDURAL MATTERS RELATED TO THE MIXED FINALIZED PETITION (DOC. 23)</b></p>
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Based on the stipulation of the parties, the Court adopts their proposed schedule for resolving procedural matters related to the mixed finalized petition (Doc. 23).

1. Respondent shall file a motion to dismiss the mixed petition on or before August 29, 2014. *See O'Bremski v. Maass*, 915 F.2d 418, 420 (9th Cir. 1990); *see also Rose v. Lundy*, 455 U.S. 509, 522 (1982) (holding that for reasons of comity and federalism, district courts may not adjudicate mixed petitions).

2. On or before September 29, 2014, petitioner shall file his response and his motion for a stay so that he may present his unexhausted claims to the state court. *See Rhines v. Weber*, 544 U.S. 269, 273-78 (2005) (affirming the authority of district courts to stay, rather than dismiss,

1 mixed petitions governed by AEDPA deadlines); *see also Kelly v. Small*, 315 F.3d 1063 (9th Cir.  
2 2002).

3 3. On or before October 14, 2014, respondent shall file any reply to the response to the  
4 motion to dismiss and his response to the motion for a stay.

5 4. On or before October 31, 2014, petitioner shall file any reply to the response to the  
6 motion for a stay.

7 5. The above motions will be decided on the pleadings.

8 IT IS SO ORDERED

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10 Dated: 7/21/14



11 SUSAN ILLSTON  
12 United States District Judge  
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