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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
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8 ISMAEL TOVAR CARRANZA,

No. C 07-1114 MHP (pr)

9 Petitioner,

**ORDER LIFTING STAY AND
REOPENING ACTION**

10 v.

11 JAMES A. YATES, warden,

12 Respondent.
13 _____/

14 The petition for writ of habeas corpus in this action asserted a single claim, i.e., that
15 petitioner's constitutional right to a speedy trial had been violated. After the petition was
16 fully briefed, petitioner filed a motion to amend to add four new claims and a motion to stay
17 the action so he could exhaust state court remedies for those four new claims. The court
18 granted the motions, stayed the action and directed the clerk to administratively close the
19 action while petitioner exhausted state court remedies. The court also explained that nothing
20 further would take place until petitioner exhausted and, within thirty days of doing so, moved
21 to reopen this action, lift the court's stay and proceed with consideration of his habeas
22 petition.

23 Petitioner has filed a motion to reopen the action, lift the stay and proceed with
24 consideration of only his speedy trial claim. Petitioner stated in his motion that he had
25 received bad information from another inmate about the additional claims he attempted to
26 exhaust and had since realized that the only claim he wanted to proceed with was the speedy
27 trial claim he had asserted in his original petition. Respondent has not opposed the motion.
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1 Upon due consideration, petitioner's motion to reopen the action, lift the stay and
2 proceed with consideration of his petition's speedy trial claim is GRANTED. (Docket # 21.)
3 The stay is lifted and the clerk will reopen the action. All claims except the speedy trial
4 claim are now dismissed, as plaintiff has stated a desire not to have those claims considered.
5 When the court stayed the action, the parties already had briefed the speedy trial claim, so it
6 does not appear necessary to set a briefing schedule. The petition remains under submission
7 and will be decided in due course.

8 IT IS SO ORDERED.

9 DATED: March 21 2011


Marilyn Hall Patel
United States District Judge

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