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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THOMAS RUTLEDGE,  
Petitioner,  
v.  
R.E. BARNES, Warden,  
Respondent.

No. C 08-5738 MMC (PR)

**ORDER LIFTING STAY AND  
DIRECTING CLERK TO  
ADMINISTRATIVELY REOPEN  
ACTION; DIRECTING PETITIONER  
TO FILE AMENDED PETITION**

Petitioner, a California prisoner proceeding pro se, filed in the United States District Court for the Eastern District of California the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Thereafter, the petition, which included both exhausted and unexhausted claims, was transferred to this district. By order filed July 17, 2009, the Court granted petitioner’s request to stay the petition while he returned to state court to exhaust his unexhausted claims. In so doing, the Court further directed petitioner, after exhausting his state court remedies, to file an amended petition containing all of his exhausted claims. Additionally, the Court directed the Clerk of the Court to administratively close the case while the stay remained in effect. Now pending before the Court is petitioner’s request to reopen the case on the ground his claims are now exhausted. Petitioner has not filed an amended petition.

Good cause appearing, the Court orders as follows:

1. Petitioner’s request to reopen the instant action is hereby GRANTED.

United States District Court  
For the Northern District of California

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2. The stay entered herein on July 17, 2009 is hereby LIFTED and the Clerk is directed to ADMINISTRATIVELY REOPEN the instant action.

3. Within **thirty (30)** days of the date this order is filed, petitioner shall file an amended petition, using the Court's form petition, containing all of his exhausted claims. A copy of the form petition along with instructions for completing it are provided to petitioner herewith. The amended petition must include the caption and civil case number used in this order, No. C 08-5738 MMC (PR), and must include the words AMENDED PETITION on the first page.

**The amended petition supersedes the initial petition and may not incorporate any part of it by reference. Petitioner must include in the amended petition all the claims he wishes to present, and any attachments he wishes the Court to consider.**

IT IS SO ORDERED.

DATED: October 19, 2010

  
MAXINE M. CHESNEY  
United States District Judge