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United States District Court
For the Northern District of California

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

MARCOS AMPARO,)	No. C 09-0801 MMC (PR)
)	
Petitioner,)	ORDER SCHEDULING FILING OF
)	TRAVERSE
v.)	
)	
S. McEWEN, Warden,)	
)	
Respondent.)	
_____)	

On February 24, 2009, petitioner, a California prisoner proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On November 12, 2009, respondent filed an answer to the petition. Thereafter, by order filed August 2, 2010, the Court denied petitioner’s motion to file an amended petition, and directed petitioner, within thirty days, either to (1) inform the Court that he intends to proceed only with the claims included in the original petition, or (2) move for a stay of the instant petition while he returns to state court to exhaust his unexhausted claims. By that same order, petitioner was instructed that should he fail to timely respond to the order by choosing one of the above-enumerated options, the Court would schedule a date for petitioner to file a traverse to respondent’s answer to the petition.

1 Subsequently, by order filed October 22, 2010, the Court granted petitioner an
2 extension of time to file his response within forty-five days of said order. In so doing, the
3 Court reminded petitioner that, should petitioner fail to file a response, the Court would
4 schedule a date for the filing of a traverse. (Docket No. 14 at 2:2-5.)

5 More than forty-five days have passed and petitioner has not informed the Court as to
6 whether he intends to proceed with the claims in the original petition or to move for a stay of
7 the petition in order to return to state court to exhaust his unexhausted claims. Nor has
8 petitioner otherwise communicated with the Court.

9 Accordingly, good cause appearing, petitioner shall file his traverse within **sixty (60)**
10 days of the date this order is filed.

11 The petition will be deemed submitted on the date the traverse is due.

12 IT IS SO ORDERED.

13 DATED: January 26, 2011

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15 MAXINE M. CHESNEY
16 United States District Judge
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