

United States District Court
For the Northern District of California

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

CHAZARUS HILL, Sr.,
Petitioner,
v.
MATTHEW CATE, Secretary,
Respondent.

No. C-09-3147 TEH (PR)
ORDER GRANTING PETITIONER'S
MOTION TO STAY FEDERAL
PROCEEDINGS AND
ADMINISTRATIVELY CLOSING CASE;
INSTRUCTIONS TO THE CLERK
(Doc. #11 & 12)

_____ /

Petitioner, a state prisoner incarcerated at the Sierra Conservation Center in Jamestown, California, has filed a pro se Amended Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 challenging a judgment of conviction from Alameda County Superior Court. Doc. #7. Petitioner seeks federal habeas corpus relief by alleging various claims, including there was insufficient evidence to support his convictions, the trial court improperly removed a juror during trial, and the state improperly calculated his time credits. After the Court issued an Order to Show Cause, Respondent filed a Motion to Dismiss the Amended Petition on the ground that Petitioner failed to exhaust two claims contained in the Amended


1 Petition. Doc. ## 8 & 11. After Respondent filed the Motion to
2 Dismiss, Petitioner filed a Motion to Stay the proceedings to allow
3 him to return to state court to exhaust his unexhausted claims.
4 Doc. #12.

5 Good cause shown, Petitioner's request for a stay of these
6 proceedings so he can return to state court and exhaust all claims
7 (Doc. #12) is GRANTED. See Rhines v. Webber, 544 U.S. 269, 277
8 (2005) (stay appropriate where there was good cause for Petitioner's
9 failure to exhaust his unexhausted claim in state court and the
10 claim is potentially meritorious).

11 The Clerk is instructed to terminate the motions listed in
12 docket numbers 11 and 12 and TO CLOSE the case ADMINISTRATIVELY.
13 Nothing further will take place in this matter until Petitioner
14 exhausts all claims set forth in the Amended Petition, and, within
15 thirty (30) days thereafter, moves to reopen the case, lift the
16 Court's stay and amend the stayed Amended Petition to add the
17 newly-exhausted claims.

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19 IT IS SO ORDERED.

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21 DATED 04/13/10



THELTON E. HENDERSON
United States District Judge