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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
7

8 MARK ANTHONY FREGIA,

No. C 11-3595 SI (pr)

9 Petitioner,

**ORDER REOPENING ACTION,
LIFTING STAY AND SETTING
BRIEFING SCHEDULE**

10 v.

11 MIKE McDONALD, warden,

12 Respondent.
13 _____/

14 This action was stayed and administratively closed so that petitioner, Mark Anthony
15 Fregia, could exhaust state court remedies as to several of his claims for habeas relief. Fregia
16 has filed a "request to reopen action [and] lift stay." (Docket # 15.) In the request, he reports
17 that he has exhausted his state court remedies and is ready to proceed with consideration of his
18 first amended petition (Docket # 9), as amended by Docket # 10. In the request, Fregia also
19 clarifies that he does not intend to assert an ineffective assistance of counsel claim.

20 Upon due consideration, the court GRANTS Fregia's request to reopen the action.
21 (Docket # 15.) The stay is lifted. The clerk will reopen this action that had been closed
22 administratively.¹
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27 ¹About ten days before filing the request to reopen the action and lift the stay, Fregia had filed
28 a motion to withdraw the stay and abeyance. In his request to reopen the action and lift the stay,
he asks the court to disregard the earlier-filed motion to withdraw the stay and abeyance.
Accordingly, the motion to withdraw the stay and abeyance is DISMISSED. (Docket # 14.)

1 In order to move this action toward resolution, the court now sets the following briefing
2 schedule on the cognizable claims in the first amended petition, as amended:

3 1. Respondent must file and serve upon petitioner, on or before **August 3, 2012**, an
4 answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases,
5 showing cause why a writ of habeas corpus should not be issued. Respondent must file with the
6 answer a copy of all portions of the court proceedings that have been previously transcribed and
7 that are relevant to a determination of the issues presented by the amended petition.

8 2. If petitioner wishes to respond to the answer, he must do so by filing a traverse
9 with the court and serving it on respondent on or before **September 7, 2012**.

10 IT IS SO ORDERED.

11 DATED: June 6, 2012



SUSAN ILLSTON
United States District Judge

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