

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MAURICE BOYETTE,
Petitioner,

v.

RON DAVIS,
Respondent.

Case No. 13-cv-04376-WHO

**ORDER GRANTING RESPONDENT'S
MOTION TO LIFT STAY**

Re: Dkt. No. 53

INTRODUCTION

Respondent has filed a motion seeking to temporarily lift a stay entered on June 9, 2016 to permit petitioner to exhaust claims in state court. Respondent contends that petitioner has been dilatory in preparing his exhaustion petition and requests that petitioner be ordered to file the exhaustion petition within 30 days. Petitioner opposes respondent's motion. For the reasons discussed below, respondent's motion is GRANTED.

BACKGROUND

In 1993, petitioner was convicted in Alameda County Superior Court of the first-degree murders of Gary Carter and Annette Devallier. On March 25, 1993, a jury sentenced him to death. The California Supreme Court affirmed petitioner's conviction and death sentence. *People v. Boyette*, 29 Cal. 4th 381, 403 (2002), *modified* (Feb. 11, 2003), *rehearing denied* (Feb. 11, 2003).

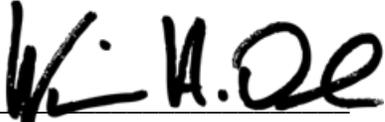
Petitioner filed a federal habeas petition on January 5, 2015. (ECF Doc. No. 23) On June 9, 2016, his federal habeas proceedings were stayed pending the completion of exhaustion proceedings in state court. Petitioner was directed to file a report every 90 days to provide an update on the status of his exhaustion proceedings. In a status report filed on July 13, 2016, petitioner stated that he was developing issues for presentation in his exhaustion petition in accordance with the page limitation and other filing requirements set forth in *In re Reno*, 55 Cal. 4th 428 (2012).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

file his exhaustion petition by November 15, 2016.

IT IS SO ORDERED.

Dated: October 17, 2016


WILLIAM H. ORRICK
United States District Judge