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

ERIC CHRISTOPHER HOUSTON,

No. 13-CV-5609 WHA

Petitioner,

DEATH PENALTY CASE

v.

**ORDER SETTING BRIEFING ON
MOTION TO STAY PROCEEDINGS
PURSUANT TO *RHINES V. WEBER***

RON DAVIS, Warden, San Quentin
State Prison

Respondent.

_____ /

The parties filed a joint statement and stipulation indicating agreement as to the exhaustion status of the claims in the currently pending petition for writ of habeas corpus. As the petition is mixed and contains both exhausted and unexhausted claims, the parties agree that the next step is for petitioner to file a motion to stay proceedings pursuant to *Rhines v. Weber*, 544 U.S. 269 (2005), to return to state court and exhaust all unexhausted claims. The stipulation sets out a proposed briefing schedule, which is hereby adopted.

Any motion for a stay of proceedings is due no later than April 18, 2016; respondent's opposition or statement of non-opposition is due by May 18; and any reply will be due within fourteen days after the date of service of the opposition.

IT IS SO ORDERED.

Dated: March 17, 2016.

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California