

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

STEVEN WES FARRISH,
Plaintiff,
v.
STU SHERMAN, et al.,
Defendants.

Case No. 14-cv-01263-JCS

**ORDER GRANTING REQUEST TO
STAY PROCEEDINGS**

Re: Dkt. No. 3

Petitioner is a state prisoner incarcerated at California Substance Abuse Treatment Facility and State Prison, Corcoran. He has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 challenging a judgment of conviction from Contra Costa County Superior Court. He has also filed a Motion to Request Stay and Abeyance to Permit Petitioner to Exhaust Unexhausted Claims (“the Motion”). Good cause shown, petitioner’s request for a stay of these federal habeas proceedings is GRANTED. *See Rhines v. Webber*, 544 U.S. 269, 277-78 (2005) (district court has authority to stay habeas petition where there was good cause for petitioner’s failure to exhaust claim in state court and the claim is potentially meritorious). Accordingly, the Court ORDERS as follows:

1. The clerk is instructed to ADMINISTRATIVELY CLOSE the case;
2. Petitioner is DIRECTED to file a status report within thirty (30) days of the date of service of this Order advising the Court of his state proceedings;
3. Petitioner is DIRECTED to file a status report every one hundred and twenty (120) days thereafter advising the Court of his status in state court;
4. Petitioner is DIRECTED to file a motion to reopen this case and lift the stay within

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

thirty (30) days of exhaustion in state court of his unexhausted claims.

IT IS SO ORDERED.

Dated: May 1, 2014



JOSEPH C. SPERO
United States Magistrate Judge