

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
SAN FRANCISCO DIVISION

CHARLES ANTHONY BROOKS,
Petitioner,

No. C 15-4877 RS (PR)

ORDER STAYING ACTION

v.

RONALD DAVIS,
Respondent.

_____ /

~~United States District Court~~ The Court ordered petitioner to (1) show cause why the action should not be dismissed

on grounds that he failed to exhaust his claims before filing the instant federal habeas action, or (2) move to stay the action while he exhausts his claims. Petitioner chose to file a motion for a stay.

His motion to stay the action is GRANTED under *Rhines v. Webber*, 544 U.S. 269, 277-78 (2005), good cause appearing therefor. The action is STAYED. Nothing further will take place in this action until the Court decides further action is appropriate, or until petitioner exhausts the unexhausted claims and, within thirty days of doing so, moves both to reopen this action and to lift the stay.

No. C 15-4877 RS (PR)
ORDER STAYING ACTION

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

The Clerk shall amend the docket to reflect that Ronald Davis, the warden of the prison in which petitioner is housed, is the sole respondent in this action. Petitioner erroneously named as respondent the San Mateo Superior Court. Davis, not the superior court, is the proper respondent in this action, as he is the custodian having day-to-day control over petitioner, the only person who can produce the “body” of the petitioner. *Brittingham v. United States*, 982 F.2d 378, 379 (9th Cir. 1992) (quoting *Guerra v. Meese*, 786 F.2d 414, 416 (D.C. Cir. 1986)).

The order to show cause is DISCHARGED. The Clerk shall ADMINISTRATIVELY CLOSE the file pending the stay of this action.

IT IS SO ORDERED.

DATED: March 23, 2016



RICHARD SEEBORG
United States District Judge

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

CHARLES ANTHONY BROOKS,

Plaintiff,

v.

SAN MATEO COUNTY SUPERIOR
COURT,

Defendant.

Case No. [15-cv-04877-RS](#)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 3/23/2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Charles Anthony Brooks ID: ID: F-63379
San Quentin State Prison
San Quentin, CA 94974

Dated: 3/23/2016

Susan Y. Soong
Clerk, United States District Court

By: 
Angella Meuleman, Deputy Clerk to the
Honorable RICHARD SEEBORG