

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT D. YIM,
Petitioner,
v.
JOE A. LIZARRAGA, Warden,
Respondent.

Case No. 16-cv-03610-MEJ (PR)

**ORDER GRANTING MOTION TO LIFT
STAY; DIRECTING PETITIONER TO
FILE AMENDED PETITION**

Re: Dkt. No. 12

Robert D. Yim, a state prisoner proceeding pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 asserting three claims. Upon his request, the action was stayed so that he could exhaust state court remedies for additional unexhausted claims. Petitioner now moves to reopen the case, lift the court’s stay, and add new claims he argues he exhausted when the Supreme Court of California denied his final state habeas.

The motion is GRANTED insofar as the Clerk is directed to reopen the case and the Court’s stay is hereby lifted. But in order to proceed with all of his now-exhausted claims, petitioner must file an amended petition containing the three claims in the original petition and the newly-exhausted claims. The original petition accordingly is DISMISSED with leave to amend, as indicated above, within **twenty-eight (28) days** of this order. The pleading must be simple and concise and must include the caption and civil case number used in this order (16-3610 MEJ (PR))

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and the words FIRST AMENDED PETITION FOR A WRIT OF HABEAS CORPUS on the first page. **Failure to file a proper amended petition within the designated time will result in the dismissal of this action.**

The Clerk shall provide petitioner with the Court’s habeas petition form.

This order terminates Docket No. 12.

IT IS SO ORDERED.

Dated: April 6, 2017



MARIA-ELENA JAMES
United States Magistrate Judge