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

RAYMOND FRANKS,
Petitioner,

No. C 07-01575 SBA (PR)

**ORDER DIRECTING PETITIONER TO
FILE AN AMENDED PETITION**

v.

D. K. SISTO, Warden,
Respondent.

Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On June 11, 2008, the Court issued an Order granting Petitioner's request for a stay of proceedings while he returned to state court to exhaust his administrative remedies. The Court also stated:

Nothing further will take place in this action until Petitioner receives a final decision from the highest state court and, within **thirty (30) days** of doing so, moves to reopen the action, lift the Court's stay and amend the stayed petition to add the newly-exhausted claims.

(June 11, 2008 Order at 2.)

On May 18, 2010, Petitioner informed the Court that his state proceedings had concluded; however, he did not amend the stayed petition to add the newly-exhausted claims. Therefore, Petitioner must file an amended petition in this Court which incorporates the newly-exhausted claims he intends to raise in federal court, as directed below.

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CONCLUSION

1. No later than **thirty (30) days** of the date of this Order, Petitioner must file an amended petition in this Court which incorporates the newly-exhausted claims he intends to raise in federal court. The Court will lift the stay on the date that Petitioner files his amended petition. Petitioner must submit the amended petition on the attached blank habeas petition form, clearly label the petition as the "Amended Petition," and write in the case number for this action on the form. He should also attach to his amended petition a copy of his petition to the California Supreme Court, if the document is available to him. **If Petitioner fails to file an amended petition within the prescribed period, the Court will dismiss this action without prejudice for failure to prosecute.**

2. The Clerk of the Court shall send Petitioner a blank § 2254 habeas petition form.

IT IS SO ORDERED.

DATED: 5/24/10


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 KENDRA D. BERNARD,

5 Plaintiff,

6 v.

7 WARDEN et al,

8 Defendant.

Case Number: CV07-01575 SBA

CERTIFICATE OF SERVICE

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

11 That on May 24, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Kendra D. Bernard X06773
16 Valley State Prison for Women
17 P.O. Box 96 C-3-12-4-UP
18 Chowchilla, CA 93610-0096

19 Dated: May 24, 2010

20 Richard W. Wiekling, Clerk
21 By: LISA R CLARK, Deputy Clerk