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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY CLIFFORD,

Petitioner,

No. C 07-5104 PJH (PR)

vs.

ORDER OF DISMISSAL

B. CURRY, Warden,

Respondent.

_____ /

This is a civil rights case filed pro se by a state prisoner. Respondent's motion to dismiss the petition as mixed was granted and petitioner was ordered to elect how to proceed. He asked for a stay of proceedings to allow him to exhaust in state court. In an order entered on December 4, 2008, the stay was denied because he did not even try to show good cause for his failure to exhaust the issues sooner, despite having been warned that to obtain a stay he had to do so. In that order he was given another chance to elect what to do with the petition, and the choices were once again set out for him. He was warned that if he did not file an election within thirty days the case would be dismissed. He has not filed any response. Therefore, this case is **DISMISSED** without prejudice as mixed. The clerk shall close the file.

IT IS SO ORDERED.

Dated: January 16, 2009.



PHYLLIS J. HAMILTON
United States District Judge