

1
2
3
4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6

7 MARK ANTHONY KENNEDY,
8 Petitioner,
9 v.
10 J. GASTELO, Warden,
11 Respondent.

Case No. [16-cv-01686-YGR](#) (PR)

**ORDER LIFTING STAY AND
DIRECTING RESPONDENT TO SHOW
CAUSE WHY THE WRIT SHOULD
NOT BE GRANTED**

12 Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to
13 28 U.S.C. § 2254.

14 On June 9, 2016, the Court issued an Order granting Petitioner's request for a stay of
15 proceedings while he returned to state court to exhaust his state judicial remedies. On Friday,
16 September 29, 2017, Petitioner informed the Court that his state proceedings had concluded, and
17 he filed a first amended habeas petition containing his exhausted claims.

18 Before the Court are Petitioner's motion to lift the stay and his implied motion for leave to
19 file his first amended petition.

20 Good cause appearing, Petitioner's motion to lift the stay is GRANTED. Petitioner is also
21 GRANTED leave to file his first amended petition. The Clerk of the Court is directed to mark
22 Petitioner's first amended petition as filed on Monday, September 25, 2017, the date it was
23 received.

24 The Clerk of the Court shall REOPEN this case and serve a copy of this Order and the first
25 amended petition and all attachments thereto upon Respondent and Respondent's attorney, the
26 Attorney General of the State of California. The Clerk shall also serve a copy of this Order on
27 Petitioner at his most current address.

28 Respondent shall file with this Court and serve upon Petitioner, within **sixty (60) days** of

1 the issuance of this Order, an answer conforming in all respects to Rule 5 of the Rules Governing
2 Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent
3 shall file with the answer a copy of all portions of the state trial record that have been transcribed
4 previously and that are relevant to a determination of the issues presented by the petition.

5 If Petitioner wishes to respond to the answer, he shall do so by filing a traverse with the
6 Court and serving it on Respondent within **sixty (60) days** of his receipt of the answer. Otherwise,
7 the petition will be deemed submitted and ready for decision sixty days after the date Petitioner is
8 served with Respondent's answer. Petitioner is reminded that all communications with the Court,
9 whether by way of formal legal motions or informal letters, must be served on Respondent by
10 mailing a true copy of the document to Respondent's counsel.

11 Extensions of time are not favored, though reasonable extensions will be granted. Any
12 motion for an extension of time must be filed no later than **fourteen (14) days** prior to the
13 deadline sought to be extended.

14 This Order terminates Docket no. 21.

15 IT IS SO ORDERED.

16 Dated: October 11, 2017



YVONNE GONZALEZ ROGERS
United States District Judge