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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAMARIO TORRES,  
Plaintiff,  
v.  
SHAWN HATTON,  
Defendant.Case No. [17-cv-04332-PJH](#)**ORDER**

Petitioner, a state prisoner, filed a pro se writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner previously filed a second amended petition containing what he contended was an exhausted claim that he was actually innocent. He also sought to exhaust the following claims: (1) that he received ineffective assistance of counsel regarding the plea; (2) that his plea agreement was not fulfilled; (3) that he was denied counsel; and (4) that his sentence was illegal.

The court stayed the case so petitioner could exhaust the additional claims. The court also informed petitioner what claims were cognizable on federal habeas review. Petitioner has filed a letter indicating the California Supreme Court has denied the petition and the claims are exhausted. He also states that he has added a claim pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and presented additional arguments. It is not clear if the *Brady* claim was presented to the California Supreme Court. Petitioner is informed that this court can only consider claims and arguments that have been fully exhausted and presented to the California state courts.

If petitioner seeks to lift the stay, by **July 30, 2018**, he must file a brief motion to lift the stay and an amended petition clearly setting forth his claims and demonstrating that

1 they were presented to the California Supreme Court.

2 **IT IS SO ORDERED.**

3 Dated: June 27, 2018



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PHYLLIS J. HAMILTON  
United States District Judge

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARIO TORRES,  
Plaintiff,

v.

SHAWN HATTON,  
Defendant.

Case No. [17-cv-04332-PJH](#)

**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 June 27, 2018, 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.

Mario Torres ID: CDC #AR3573  
Wasco State Prison  
B-4-142  
PO Box 5500  
Wasco, CA 93280

Dated: June 27, 2018

Susan Y. Soong  
Clerk, United States District Court

By:   
Kelly Collins, Deputy Clerk to the  
Honorable PHYLLIS J. HAMILTON