

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY CRAVER,

Petitioner,

vs.

ERNIE ROE, Warden,

Respondent.

No. C 02-04629 JF (PR)

ORDER DENYING MOTION  
TO REOPEN CASE

(Docket No. 22)

Petitioner, a state prisoner, filed a pro se habeas petition pursuant to 28 U.S.C. § 2254. On March 9, 2005, the Court granted Petitioner’s application to hold his federal petition in abeyance and stay the proceedings pending his exhaustion of additional claims in state court. (See Docket No. 19.) The Court ordered the action stayed until thirty days after the California Supreme Court’s final decision on Petitioner’s remaining claims. Petitioner was instructed to file an amended petition that includes the claims from his original petition as well as newly exhausted claims within thirty days of the state high court’s decision. Id.

On July 30, 2007, Petitioner filed an application to reopen this action. Attached to the motion was a copy of the California Supreme Court’s decision denying his state

1 petition on February 21, 2007. Petitioner's motion to reopen this action is untimely,  
2 having been filed well beyond the thirty days provided by this Court. Furthermore,  
3 Petitioner has failed to file an amended petition as instructed by the Court. Petitioner has  
4 provided no explanation to show good cause for the delay nor his failure to file an  
5 amended petition. Accordingly, Petitioner's request to reopen this action is DENIED.

6 IT IS SO ORDERED.

7 DATED: 5/18/09

8   
9 \_\_\_\_\_  
10 JEREMY FOGEL  
11 United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY CRAVER,  
Petitioner,

Case Number: CV02-04629 JF

**CERTIFICATE OF SERVICE**

v.

ERNIE ROE, Warden,  
Respondent.

\_\_\_\_\_/

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 5/21/09, 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.

Anthony Craver  
CSP Lancaster  
44750 60th street W.  
Lancaster, Ca 93536

Dated: 5/21/09

Richard W. Wieking, Clerk