

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



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

WILLIE RICHARDSON, III,)	No. C 04-2712 RMW (PR)
)	
Petitioner,)	ORDER DENYING REQUEST
)	TO LIFT STAY
vs.)	
)	
BEN CURRY, Warden,)	
)	
Respondent.)	
_____)	

Petitioner, a California prisoner proceeding pro se, filed a second amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 31, 2008, the court granted respondent's motion to dismiss for failure to exhaust and directed the petitioner to elect how he would like to proceed. On August 12, 2008, the court granted petitioner's request to stay the proceedings and hold his second amended petition in abeyance pending exhaustion of his claims in the state supreme court. In that order, the court ordered petitioner to file another amended petition containing his fully exhausted claims as well as a motion to lift the stay within thirty days of the California Supreme Court's decision. Petitioner has not filed such a petition. Accordingly, petitioner's request to lift the stay is DENIED. Within **thirty days** of the filing date of this order, petitioner is to advise the court as to whether he exhausted his claims in the state Supreme Court and when the state Supreme Court ruled, if it has.

///

1 IT IS SO ORDERED.

2 DATED: _____

Ronald M. Whyte

RONALD M. WHYTE
United States District Judge

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

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

WILLIE RICHARDSON, III

Plaintiff,

v.

BEN CURRY, WARDEN,

Defendant.

Case Number: CV04-02712 RMW

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 October 23, 2013, 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.

Willie Richardson T-03382
5-N-34
C.S.P. San Quentin
San Quentin, CA 94974

Dated: October 23, 2013

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk