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NOT FOR CITATION  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

RUSSELL GENE RODRIGUEZ,

No. C 07-02235 JF (PR)

Petitioner,

ORDER GRANTING MOTION TO  
REOPEN FILE; TO SHOW CAUSE

v.

JEANNE WOODFORD,

Respondent.

(Docket Nos. 11 & 12)

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Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner raised three claims: (1) ineffective assistance of counsel; (2) illegal search and seizure; and (3) his sentence was cruel and unusual. The Court dismissed the second claim under Stone v. Powell, 428 U.S. 465, 481-82, 494 (1976), and ordered Respondent to answer to claims one and three. In lieu of an answer, Respondent filed a motion to dismiss for failure to exhaust state remedies with respect to petitioner's claim of ineffective assistance of counsel. Petitioner did not dispute exhaustion, and filed a motion for a stay of the matter so he can return to state court to exhaust the claim. Good cause appearing, the Court granted Petitioner's request and stayed the matter pending Petitioner returning to this Court after exhausting his state remedies.



1 and serve on Respondent an opposition or statement of non-opposition within **thirty (30)**  
2 **days** of receipt of the motion, and Respondent shall file with the Court and serve on  
3 Petitioner a reply within **fifteen (15) days** of receipt of any opposition.

4 5. It is Petitioner's responsibility to prosecute this case. Petitioner must keep  
5 the Court and all parties informed of any change of address by filing a separate paper  
6 captioned "Notice of Change of Address." Petitioner must comply with the Court's orders in  
7 a timely fashion. Failure to do so may result in the dismissal of this action for failure to  
8 prosecute pursuant to Federal Rule of Civil Procedure 41(b).

9 This order terminates Docket Nos. 11 & 12.

10 IT IS SO ORDERED.

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12 DATED: 3/10/09

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14 JEREMY FOGEL  
15 United States District Judge  
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