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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHING LEE,
Petitioner,
v.
KAMALA D. HARRIS,
Respondent.

Case No. [15-cv-05316-BLF](#)

**ORDER REQUESTING
SUPPLEMENTAL BRIEFING ON
PETITIONER'S MOTION FOR A STAY
AND ABEYANCE**

[Re: ECF 6]

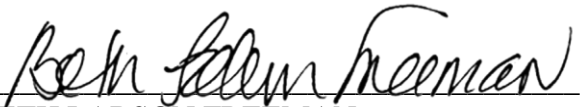
This order concerns Petitioner's pending motion for a stay and abeyance pending exhaustion of his wholly unexhausted petition. ECF 6. Petitioner files his motion on December 31, 2015. ECF 6. Respondent filed an opposition on February 12, 2016. ECF 14. Petitioner did not file a reply by the scheduling order's February 19, 2016 deadline. ECF 13.

On February 17, 2016, the Ninth Circuit issued a decision in *Mena v. Long*, --- F.3d ---, 2016 WL 625405, at *1 (9th Cir. 2016). In that decision, the Ninth Circuit held that the *Rhines v. Weber*, 544 U.S. 269 (2005) stay and abeyance procedure "is not limited to mixed petitions, and a district court may stay a petition that raises only unexhausted claims."

Accordingly, each side is requested to file a supplemental letter brief of no more than three page, double spaced, addressing the impact of *Mena* on the Court's determination of Petitioner's pending motion for a stay and abeyance. The parties shall submit supplemental letter briefs, **on or before March 18, 2016**. There will be no replies to these submissions.

IT IS SO ORDERED.

Dated: March 10, 2016


BETH LABSON FREEMAN
United States District Judge