UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

DANIEL WILLIAM MAY,	Civil No. 14CV2038-BEN(JMA)
Petitioner,	
v.	**ORDER DENYING REQUEST FOR "STAY IN ABEYANCE" [DOC. NO. 15] & EXTENDING THE DEADLINE TO FILE TRAVERSE**
ERIC ARNOLD, Warden, et al.,	
Respondent.	

Petitioner is a state prisoner proceeding pro se with a Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254. On January 22, 2015, Petitioner filed a Motion for Stay and Abeyance. [Doc. No. 15.]

The stay and abeyance procedure is one of several options a habeas petitioner who files a "mixed petition" (meaning a habeas petition containing both exhausted and unexhausted claims) may choose to pursue in order to permit the petitioner to return to state court to exhaust additional claims while the federal proceedings are stayed. Rhines v. Weber 544 U.S. 269, 125 S.Ct. 1528, 1534-35 (2005). Here, although Petitioner requests a "stay in abeyance," the purpose of his request is not to exhaust claims in the state court system, but rather to wait for the disposition of a habeas petition filed by Petitioner's co-defendant [Berardi v. Paramo, 13CV1598-BLM(BTM)] and to allow Petitioner time to obtain exhibits from the California Supreme Court that were submitted in support of his petition to that court for habeas corpus review.

1   Petitioner has not shown good cause to stay proceedings in this matter. The Court,

2 however, does find good cause to extend the deadline for Petitioner to file a Traverse in order

3 to allow him additional time to obtain the documents he seeks from the California Supreme

4 Court. Out of caution Petitioner filed a Traverse on January 29, 2015, while his motion to stay

5 was pending. [Doc. No. 17, p. 15.] If Petitioner wishes to file an Amended Traverse that includes

6 the documents he seeks from the California Supreme Court he may do so no later than **March**

7 **13, 2015**.

8

9   **IT IS SO ORDERED.**

10   DATED: February 4, 2015

11   _____
                                         Jan M. Adler
12   U.S. Magistrate Judge