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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 NANCY MICHELLE MENDOZA,
12 Petitioner,
13 v.
14 ANISSA DE LA CRUZ, Warden,
15 Respondent.

Case No.: 24-CV-1403 JLS (LR)

**ORDER GRANTING PETITIONER'S
MOTION FOR STAY AND
ABEYANCE**

(ECF No. 3)

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17 Presently before the Court is Petitioner Nancy Michelle Mendoza's ("Petitioner")
18 Motion for Stay and Abeyance of Proceedings Pending State Court Sentencing Review
19 ("Mot.," ECF No. 3). Petitioner avers her counsel is engaged in resentencing discussions
20 initiated by the San Diego County District Attorney's Office and granting a stay will
21 promote judicial economy by avoiding unnecessary litigation in federal court if the state
22 resentencing proceedings result in a favorable outcome for Petitioner. *See generally* Mot.
23 Respondent Anissa de la Cruz ("Respondent") filed a Statement of Non-Opposition to
24 Petitioner's Motion for Stay and Abeyance ("Statement," ECF No. 5), indicating
25 Respondent does not oppose Petitioner's request to stay the matter until any possible
26 resentencing issue has been resolved. Statement at 2.

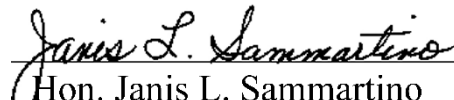
27 Inherent in the Court's "power to control [its] docket" is the authority to stay a case.
28 *HDI Glob. Ins. Co. v. San Fernando Realty, Inc.*, No. 2:20-cv-06468-SVW-KK,

1 2020 WL 7872202, at *5 (C.D. Cal. Oct. 28, 2020) (citing *Landis v. North Am. Co.*,
2 299 U.S. 248, 254 (1936)). As the Motion is unopposed, and Petitioner asserts the pending
3 resentencing discussions could potentially render some or all the habeas issues moot, the
4 Court finds a stay to allow the state sentencing review to proceed is appropriate.

5 Accordingly, the Court **GRANTS** Petitioner’s Motion (ECF No. 3), and **STAYS**
6 this matter pending resolution of state resentencing review proceedings. Petitioner is
7 **DIRECTED** to file, within thirty (30) days of the District Attorney’s Office’s resolution
8 of Petitioner’s resentencing review, a motion requesting that the stay be lifted. The Clerk
9 of Court will administratively close this case until further Order of this Court.

10 **IT IS SO ORDERED.**

11 Dated: September 24, 2024


12 Hon. Janis L. Sammartino
13 United States District Judge
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