

MICHAEL JOSEPH MULDER,
Petitioner,
vs.
RENEE BAKER, *et al.*,
Respondents.

3:09-CV-00610-PMP-WGC

ORDER

The United States Court of Appeals for the Ninth Circuit Court has vacated this court's September 26, 2011, order staying petitioner's federal habeas proceedings pending restoration of competency (ECF No. 74) and remanded the case for reconsideration in light of *Ryan v. Gonzales*, 133 S.Ct. 696 (2013). ECF No. 86. Based on the extensive record before this court bearing on the issue of petitioner's competency (primarily, ECF Nos. 62-72), as well as this court's previous findings and conclusions on that issue (ECF No. 74), there is very little, if any, likelihood that petitioner will regain competence in the foreseeable future. As such, a stay of proceedings due to petitioner's lack of competence is no longer appropriate. *See Gonzales*, 133 S.Ct. at 709.

As discussed in the status conference held on April 29, 2013, proceedings shall now resume and respondents shall file a response to petitioner's amended petition for writ of habeas corpus (ECF No. 7) on or before **August 1, 2013**. In addition, petitioner may move for a stay pursuant to *Rhines*

1 v. *Weber*, 544 U.S. 269 (2005), any time prior to (or on) that date. In the meantime, however, the
2 parties shall confer regarding whether this case may be amenable to settlement. On or before **June**
3 **10, 2013**, the parties shall file a joint statement advising the court whether they wish to engage in
4 further settlement discussions and, if so, whether they want the magistrate judge assigned to this case
5 to assist with those discussions.

6 **IT IS SO ORDERED.**

7 DATED: May 1, 2013

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11 UNITED STATES DISTRICT JUDGE
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