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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BEAU A. SMITH,	)	CASE NO. C08-0823-JCC-MAT
	)	
Petitioner,	)	
	)	
v.	)	ORDER GRANTING
	)	MOTION TO STAY
JEFFREY A. UTTECHT,	)	
	)	
Respondent.	)	
_____	)	

Respondent seeks to stay this federal habeas corpus proceeding pending the complete adjudication of petitioner’s state court case under Washington Court of Appeals Cause Number 61552-1-I.<sup>1</sup> (Dkt. 28.) Petitioner does not dispute the existence of this pending state court matter, but objects generally to the stay, as well to respondent’s request for a forty-five day period to respond to petitioner’s habeas petition following dissolution of the requested stay. (Dkt. 30.) Now, having reviewed the requested stay and plaintiff’s objections, the Court finds

<sup>1</sup> Respondent notes the existence of an additional pending state court matter in Washington Court of Appeals Cause No. 62588-8-I. However, it is not clear whether respondent requests a stay in relation to that matter or whether such a request would be appropriate based on the content of the claims in that matter. Accordingly, the Court addresses herein solely Cause No. 61552-1-I.

01 as follows:

02 (1) Respondent appropriately requests a stay given the existence of an ongoing  
03 related state court matter. Accordingly, respondent's motion to stay is GRANTED.  
04 Petitioner shall notify the Court, and provide supporting documentation, following the  
05 complete adjudication of his case under Cause No. 61552-1-I. The Court will thereafter lift the  
06 stay in this proceeding. The Court further finds reasonable respondent's request for forty-five  
07 days to respond to petitioner's habeas petition following dissolution of the stay.

08 (2) The Clerk is directed to send a copy of this Order to the parties and to the Hon.  
09 John C. Coughenour.

10 DATED this 13th day of April, 2009.

11 s/ Mary Alice Theiler  
12 United States Magistrate Judge  
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