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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 KIRK SAINTCALLE,

9 Petitioner,

Case No. C15-0156-BJR-MAT

10 v.

11 JEFFREY UTTECHT,

ORDER LIFTING STAY AND SETTING
BRIEFING SCHEDULE

12 Respondent.

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14 This federal habeas action under 28 U.S.C. § 2254 has been stayed pending exhaustion of
15 petitioner's claims in the state courts. Dkt. 15. Because petitioner's state cases have concluded,
16 he moves the Court to lift the stay and grant him 30 days to file an amended petition. Dkt. 16.
17 Respondent does not oppose the motion. *See id.* Based on the foregoing, the Court finds and

18 ORDERS:

19 (1) The stay entered in this action (Dkt. 15) is VACATED.

20 (2) Petitioner's unopposed motion for leave to file an amended petition (Dkt. 16) is
21 GRANTED. Petitioner shall file an amended petition on or before **May 4, 2017**.

22 (3) ***Within forty-five (45) days*** of the filing of the amended petition, respondent shall
23 file and serve an answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases in

ORDER - 1

1 United States District Courts. As part of such answer, respondent shall state whether petitioner
2 has exhausted available state remedies and whether an evidentiary hearing is necessary.
3 Respondent shall not file a dispositive motion in place of an answer without first showing cause
4 as to why an answer is inadequate. Respondent shall file the answer with the Clerk of the Court
5 and serve a copy of the answer on petitioner.

6 (4) The answer will be treated in accordance with LCR 7. Accordingly, on the face of
7 the answer, respondent shall note it for consideration on the fourth Friday after filing. Petitioner
8 may file and serve a response not later than the Monday immediately preceding the Friday
9 designated for consideration of the matter, and respondent may file and serve a reply not later than
10 the Friday designated for consideration of the matter.

11 (5) The Clerk shall direct copies of this Order to the parties and to the Honorable
12 Barbara J. Rothsein.

13 DATED this 3rd day of April, 2017.

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16 Mary Alice Theiler
17 United States Magistrate Judge
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