

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NICHOLAS LANDSIEDEL,

Petitioner,

v.

JEFF MOEN, et al.,

Respondents.

CASE NO. C16-1421-RAJ-MAT

ORDER LIFTING STAY

Petitioner proceeds *pro se* in this habeas matter pursuant to 28 U.S.C. § 2254. Petitioner now requests that the Court lift the stay in this matter given the completion of state court proceedings. (Dkt. 16.)

Respondents agree the state court proceedings are complete, but note that the Washington Court of Appeals has not yet issued a certificate of finality. (Dkt. 17.) Respondents assert that, in the absence of a certificate of finality, the state court matter technically remains active, and respondents remain unable to obtain the state court files needed for the drafting of a response to the habeas petition. Respondents request that, if the Court grants the motion to lift the stay, the Court also provide for an extended deadline of at least sixty days to allow for the issuance of the

ORDER
PAGE - 1

1 certificate of finality.

2 The Court, having reviewed petitioner's motion, the response, and the record as a whole,
3 finds and concludes as follows:

4 (1) Petitioner's motion to lift the stay (Dkt. 16) is GRANTED. However, because the
5 certificate of finality has not yet issued in the state court matter, the Court finds an extended
6 deadline to respond to the habeas petition appropriate. In order to allow time for both the
7 issuance of a certificate of finality and the preparation of a response, the Court directs
8 respondents to file and serve an answer in this matter **ninety (90) days** from the date of this
9 Order. Respondents may seek an additional extension of that deadline if necessitated by delay in
10 the issuance of a certificate of finality.

11 (2) The Clerk shall send a copy of this Order to the parties and to the Honorable
12 Richard A. Jones.

13 DATED this 5th day of October, 2017.

14 

15

Mary Alice Theiler
16 United States Magistrate Judge