Nguyen v. Glebe
Doc. 14

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

QUY DINH NGUYEN, Petitioner, v. PATRICK R GLEBE, Respondent.	Case No. C17-1338-JCC-JPD ORDER GRANTING MOTION TO STAY

This is a 28 U.S.C. § 2254 habeas action. Petitioner moves to stay this action pending resolution of his pending state court personal restraint petition. Dkt. 5. Respondent concurs with the motion. Dkt. 13. Having reviewed the parties' submissions, the governing law, and the balance of the record, the Court finds and ORDERS:

(1) Petitioner's amended motion to stay, Dkt. 5, is GRANTED. The pending state court proceedings may be relevant to the issues of timeliness under the federal statute of limitations, exhaustion of state remedies, and the merits of petitioner's federal habeas corpus petition. Therefore, the state court proceedings must be resolved before the instant action. In addition, neither party will be prejudiced by the stay.

Dockets.Justia.com

(2) Both petitioner and respondent are directed to notify this Court within 30 days after final resolution of petitioner's state post-conviction proceedings. At that time, the Court will lift the stay on the instant habeas action. The parties shall also report to this Court every 120 days on the status of petitioner's state post-conviction proceedings.

(3) The Clerk is directed to send copies of this order to the parties and to the Honorable John C. Coughenour.

Dated this 3rd day of January, 2018.

JAMES P. DONOHUE
Chief United States Magistrate Judge