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8	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
10	BRADLEY ALLEN GRUBHAM,	CASE NO. C13-5646 RJB-JRC
11	Petitioner,	ORDER GRANTING PETITIONER'S
12	v.	MOTION TO STAY THIS PETITION AND HOLD IT IN ABEYANCE
13	SUPERINTENDENT OBERLAND,	
14	Respondent.	
15	The District Court has referred this 28 U.S.C. § 2254 petition to the undersigned	
16	Magistrate Judge. Petitioner asks that the Court stay this matter and hold it in abeyance (ECF	
17	No. 18). This is petitioner's second motion to stay this matter and hold it in abeyance. When	
18	petitioner first filed this motion, he did not sign the pleadings (ECF No. 10). Respondent has	
19	filed a response to petitioner's motion and agrees t	hat this petition should be stayed (ECF No.
20	21).	
21	District courts may use a "stay-and-abeyan	ce" procedure while a petitioner exhausts his
22	claims in state court. Rhines v. Weber, 544 U.S. 269, 275-77; Calderon v. United States District	
23	Court (Taylor), 134 F.3d 981, 988 (9th Cir.1998).	In determining whether the petition should be
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1	stayed, the Court must also "be mindful that AEDPA aims to encourage the finality of sentences	
2	and to encourage petitioners to exhaust their claims in state court before filing in federal court."	
3	Wooten v. Kirkland, 540 F.3d 1019, 1024 (9th Cir. 2008), cert. denied, 129 S.Ct. 2771 (2009)	
4	(holding that petitioner's "impression" that defense counsel had exhausted all of the issues in	
5	state court did not fulfill the requirement to show "good cause").	
6	Both parties agree this action should be stayed. The Court grants petitioner's uncontested	
7	motion. The matter is stayed until May 9, 2014. Petitioner will file a report and, if needed, a	
8	motion to extend the stay on or before April 30, 2014 ten days before the stay ends. Petitioner	
9	will inform the Court of the status of his state proceedings. Petitioner's report will include the	
10	state court cause number. Further, if the state court dismisses the petition or terminates review,	
11	petitioner will inform the Court and file a motion to lift the stay within 30 days of the state court	
12	taking action. Petitioner's failure to file a proper report or inform the Court of the termination of	
13	state review will result in the Court issuing a report and recommendation that this petition be	
14	dismissed.	
15	The Clerk's office is directed to remove ECF motions 10 and 18 from the Court's	
16	calendar.	
17	Dated this 6 th day of November, 2013.	
18	I March Cura time	
19	J. Richard Creatura	
20	United States Magistrate Judge	
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