

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN EGGLESTON,

Petitioner,

V.

MARGARET GILBERT,

Respondent.

CASE NO. 3:16-CV-05159-RBL-DWC

ORDER LIFTING STAY

The District Court has referred this action to United States Magistrate Judge David W.

Christel. Petitioner Brian Eggleston filed a federal habeas Petition, pursuant to 28 U.S.C. § 2254, seeking relief from a state court conviction. On November 8, 2016, the Court stayed this case pending the resolution of Petitioner’s state personal restraint petition (“PRP”). Dkt. 12. The Court continued the stay on February 3, 2017, May 1, 2017, and August 8, 2017, and directed Petitioner to inform the Court and file a motion to lift the stay if the state court resolved the PRP. Dkt. 14, 16, 18. On October 18, 2017, Petitioner filed a Status Report Re: Pending State Court Proceedings stating Petitioner’s PRP is now final. Dkt. 19. Petitioner does not object to the Court lifting the stay. *Id.* Petitioner, however, did not file a motion to lift the stay.

1 After considering Petitioner's Status Report and the relevant record, the Court lifts the
2 stay. Respondent shall file an answer to the Amended Petition as directed in the Order Directing
3 Service (Dkt. 2) by December 4, 2017.

4 Dated this 20th day of October, 2017.

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6 David W. Christel
7 United States Magistrate Judge

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