

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TOMMY LEE CROW JR,  
  
Petitioner,  
  
v.  
  
RON HAYES,  
  
Respondent.

CASE NO. 3:16-CV-05277-RJB-JRC  
  
ORDER GRANTING STAY

Petitioner filed a habeas corpus petition challenging his custody under a state court judgment and sentence. Dkt. 10.

By order dated September 9, 2016, his matter was stayed until December 9, 2016. Dkt. 9. On December 29, 2016, the Court lifted the stay and directed petitioner to file a motion within 7 days of respondent's appearance in this matter if he sought an additional stay. Dkt. 21. On January 4, 2017, petitioner filed a motion to stay, asking the Court to stay this action for 180 days. Dkt. 22. Respondent entered an appearance on January 9, 2017 and has not filed a response to petitioner's motion. See Dkt. 23.

In his motion for extension, petitioner provided the Court with the current status of his attempt to exhaust his claims. Dkt. 12. Petitioner states that he is still awaiting a decision from the Washington state courts on his resentencing. Dkt. 22. Based on petitioner's prior filings with

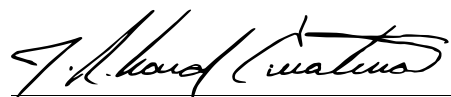
1 the Court, it appears that petitioner was resentenced on April 21, 2016, and the appeal of his new  
2 judgment and sentence are pending in the state courts. Dkt. 8.

3 The Court grants petitioner's motion to extend the stay in this action. *See Rhines v.*  
4 *Weber*, 544 U.S. 269, 276 (2005) (The Court may stay a petition and hold the proceedings in  
5 abeyance where the stay would be a proper exercise of discretion. ). However, the Court finds  
6 that it would be most efficient to stay this action pending resolution of his state court  
7 proceedings.

8 Accordingly, it is ORDERED:

- 9 1) This matter is stayed until 30 days after the Washington state courts have ruled on  
10 petitioner's appeal of his new judgment and sentence.
- 11 2) Petitioner shall file a status report every 90 days. Petitioner's report must include the  
12 state court cause number and current status of his state proceedings. Petitioner's  
13 failure to file a proper report may result in the Court issuing a report and  
14 recommendation that this petition be dismissed for failure to comply with a Court  
15 order.
- 16 3) The current due date to file an Answer, February 12, 2017, is stricken. The Court will  
17 issue a new date by which the Answer shall be filed once state proceedings have been  
18 completed.
- 19 4) The Clerk's Office is directed to note a due date on the Court's calendar 90 days from  
20 the entry of this order and strike the December 9, 2016 deadline.

21 Dated this 30th day of January, 2017.

22 

23 J. Richard Creatura  
24 United States Magistrate Judge