

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN ANTHONY LEWIS,

Petitioner,

V.

ROBERT W. FERGUSON,

### Respondent.

CASE NO. C16-5562 RBL-JRC

## ORDER FOR SUPPLEMENTAL BRIEFING

Petitioner filed a habeas corpus petition challenging his custody under a state court  
ment and sentence. Dkt. 8. In his petition, petitioner stated that he had not sought appellate  
lateral review of his state court judgment and sentence. Dkt. 8 at 3.

In respondent's original answer, he argues that petitioner has not presented his claims to the Washington state courts, thus, petitioner's claims are unexhausted. Dkt. 17 at 8. However, respondent contends that at the time the original answer was filed, on January 25, 2017, petitioner's claims were not procedurally barred. *Id.* at 8. Respondent argues that petitioner had until March 9, 2017 to seek collateral review in the state courts. *Id.* In his traverse, petitioner contends that on February 28, 2017, he mailed a petition to the Washington Supreme Court

1 challenging his judgment and sentence, which was treated as a personal restraint petition. Dkt. 24  
2 at 14, 24-25.

3 Accordingly, the Court orders that respondent supplement his original answer (Dkt. 17)  
4 and address whether petitioner sought relief by the Washington state appellate courts in a timely  
5 manner and whether petitioner's claims are procedurally barred. If petitioner's personal restraint  
6 petition is currently pending in the Washington state courts, respondent should address whether a  
7 stay would be appropriate.

8 The supplemental answer shall be filed on or before June 30, 2017 and will be treated in  
9 accordance with LCR 7. Petitioner may file and serve a supplemental response not later than  
10 July 21, 2017. Respondent may file and serve a supplemental reply not later than July 28, 2017.  
11 The Clerk is directed to re-note the petition for July 28, 2017.

12 Dated this 26th day of May, 2017.

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15 J. Richard Creatura  
16 United States Magistrate Judge  
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