

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 ROBERT J. MADDAUS,

11 Petitioner,

12 v.

13 JERI BOE,

14 Respondent.

CASE NO. 3:17-cv-06020-RBL-JRC

ORDER GRANTING PLAINTIFF'S
THIRD MOTION TO EXTEND
STAY

15
16 The District Court has referred this petition for a writ of habeas corpus to United States
17 Magistrate Judge J. Richard Creatura. The authority for the referral is 28 U.S.C. §§ 636(b)(1)(A)
18 and (B) and local Magistrate Judge Rules MJR3 and MJR4. Petitioner filed his petition pursuant
19 to 28 U.S.C. § 2254. Before the Court is petitioner's third motion to extend the stay. Dkt. 26.

20 Petitioner filed his petition in December 2017 and then requested that the Court stay the
21 petition so that he could exhaust his state court remedies. See Dkts. 1, 9. The Court granted
22 petitioner's request, stayed the matter, and required respondent to provide this Court with a status
23
24

1 report and motion to extend the stay before it expired. See Dkt. 15. Since then, the Court has
2 twice extended the stay on respondent's motion. See Dkts. 19, 25.

3 The stay is currently set to expire on August 15, 2019, and respondent has moved to
4 extend the stay. See Dkt. 26. Respondent has provided evidence that petitioner's state court
5 proceeding remains pending. See Dkt. 26-1, at 1-3. Further, petitioner has filed no objection to
6 the motion to extend the stay. See Dkt.

7 This Court may stay consideration of a habeas petition to allow a petitioner to exhaust his
8 remedies in state court before returning to federal court. See *Rhines v. Weber*, 544 U.S. 69, 274-
9 79 (2005). Because petitioner is still exhausting his state court remedies, the undersigned finds
10 good cause to grant respondent's request. Therefore, it is ORDERED,

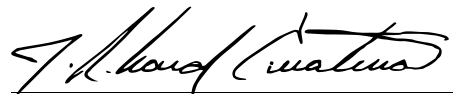
11 (1) Respondent's motion to extend the stay (Dkt. 26) is granted. The stay on this habeas
12 proceeding is extended to **February 14, 2020**.

13 (2) Respondent shall file a report and motion to extend the stay, if necessary, on or before
14 **January 31, 2020**.

15 (3) Should the state court dismiss petitioner's state post-conviction review or otherwise
16 terminate review before February 14, 2020, petitioner or respondent shall inform the Court and
17 request that the stay be lifted within 30 days of the state court's decision.

18 (4) The Clerk will note the deadlines set by this Order on the docket.

19 Dated this 14th day of August, 2019.

20 

21 J. Richard Creatura
22 United States Magistrate Judge