

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-TSZ-JRC

ORDER RENOTING MOTION TO
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.

19 Petitioner filed his petition pursuant to 28 U.S.C. § 2254. Respondent's motion to extend
20 the stay is now before the Court. Dkt. 33. Petitioner filed his petition in December 2017 and
21 then requested that the Court stay the petition so that he could exhaust his state court remedies.
22 See Dkts. 1, 9. The Court granted petitioner's request, stayed the matter, and required
23 respondent to provide this Court with a status report and motion to extend the stay before it
24

1 expired. *See* Dkt. 15. Since then, the Court has extended the stay on respondent's motion on
2 five occasions. *See* Dkts. 19, 25, 27, 29, 31.

3 The stay is currently set to expire on February 15, 2021, and respondent has again moved
4 to extend the stay. *See* Dkt. 33. Respondent submits that although petitioner's state court matter
5 has finalized, petitioner is still pursuing state-court postconviction remedies. *See* Dkt. 33, at 1.
6 Further, petitioner joins in the request for a stay. Dkt. 35.

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,

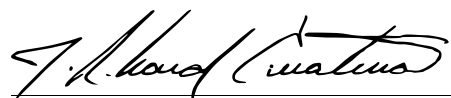
11 (1) Respondent's motion to extend the stay (Dkt. 33) is granted. The stay on this habeas
12 proceeding is extended to **August 16, 2021**.

13 (2) Respondent shall file a report and motion to extend the stay, if necessary, on or before
14 **July 26, 2021**.

15 (3) Should the state court dismiss petitioner's state post-conviction review or otherwise
16 terminate review before August 16, 2021 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 12th day of February, 2021.

20
21
22 

23 J. Richard Creatura
24 United States Magistrate Judge