

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 EXTENDING 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 in December 2017 and then  
20 requested that the Court stay the petition so that he could exhaust his state court remedies. *See*  
21 Dkts. 1, 9. The Court granted petitioner's request, stayed the matter, and required respondent to  
22 provide this Court with a status report and motion to extend the stay before it expired. *See* Dkt.  
23 15. Since then, the Court has extended the stay on respondent's motion on seven occasions. *See*  
24 Dkts. 19, 25, 27, 29, 31, 36, 40.

1 The stay is currently set to expire on February 16, 2022, and respondent has again moved  
2 to extend the stay. *See* Dkts. 40, 41. Respondent submits that although petitioner's state court  
3 matter has finalized, petitioner is still pursuing state-court postconviction remedies. *See* Dkt. 41,  
4 at 2. Petitioner does not oppose the extension of the stay.

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

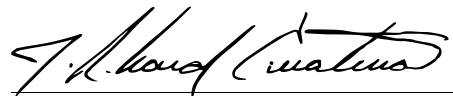
9 (1) Respondent's motion to extend the stay (Dkt. 41) is granted. The stay on this habeas  
10 proceeding is extended to **August 16, 2022**.

11 (2) Respondent shall file a report and motion to extend the stay, if necessary, on or before  
12 **July 20, 2022**.

13 (3) Should the state court dismiss petitioner's state post-conviction review or otherwise  
14 terminate review before August 16, 2022, petitioner or respondent shall inform the Court and  
15 request that the stay be lifted within 30 days of the state court's decision.

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

17 Dated this 31st day of January, 2022.

18  
19  
20 

21 J. Richard Creatura  
22 Chief United States Magistrate Judge  
23  
24

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

J. Richard Creatura  
Chief United States Magistrate Judge