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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 GRANTING MOTION TO  
CONTINUE STAY

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16 This matter is before the Court on referral from the District Court and on respondent's  
17 status report and motion to continue the stay. Dkt. 52.

18 Petitioner filed a petition pursuant to 28 U.S.C. § 2254 in December 2017 and then  
19 requested that the Court stay the petition so that he could exhaust his state court remedies. *See*  
20 Dkts. 1, 9. The Court granted petitioner's request, stayed the matter, and required respondent to  
21 provide this Court with a status report and motion to extend the stay before it expired. *See* Dkt.  
22 15. Since then, the Court has extended the stay on several occasions. *See* Dkts. 19, 25, 27, 29, 31,  
23 36, 40, 44, 49.

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ORDER GRANTING MOTION TO CONTINUE STAY

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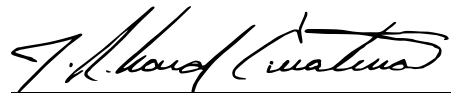
1           The stay is currently set to expire on April 13, 2023. *See* Dkt. 49. On March 16, 2023,  
2 respondent filed a status report and motion to continue the stay indicating that petitioner’s state  
3 court proceedings remain pending in the Washington Supreme Court. *Id.* According to the  
4 court’s website, petitioner has sought review by the supreme court and the case remains pending  
5 there, with a motion to modify ruling due on April 10, 2023. *Id.* As a result, respondent seeks to  
6 extend the stay of these habeas proceedings until the completion of petitioner’s state  
7 proceedings. *Id.* Petitioner does not oppose the motion. *See* Dkt.

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

12           The motion to continue the stay (Dkt. 49) is granted and the case shall remain stayed.

13           Respondent is directed to file a report every 90 days informing the Court of the status of  
14 petitioner’s state court proceedings. The first status report is due on or before **July 7, 2023**, and  
15 shall include the state court cause number(s). If the state court dismisses or resolves petitioner’s  
16 state court proceedings, petitioner or respondent is directed to inform the Court and file a motion  
17 to lift the stay within 30 days of the state court taking action. Respondent’s answer shall be filed  
18 45 days after the stay is lifted.

19           Dated this 7th day of April, 2023.

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22 J. Richard Creatura  
23 United States Magistrate Judge  
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