

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Stewart v. Covello

544 U.S. 269 (E.D. Cal. 2025) · No. 2:25-cv-00819-DC-CKD (HC) · Decided June 25, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted findings and recommendations concerning Charles Ranando Stewart, Jr.'s motion to stay his federal habeas corpus proceedings. The court denied a Rhines stay as moot, granted a Kelly stay pending exhaustion of state court remedies, and required periodic status reports and a motion to lift the stay after state-court resolution.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dena M. Coggins
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 25, 2025
DOCKET	2:25-cv-00819-DC-CKD (HC)
DISPOSITION	other
PROCEDURAL POSTURE	Federal habeas petitioner moved for a stay and abeyance while exhausting state-court remedies. After he filed an amended petition omitting the unexhausted claims, the magistrate judge recommended granting a stay under Kelly v. Small and denying the alternative Rhines stay as moot. The district court conducted de novo review and adopted the findings and recommendations.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C)
PRECEDENTIAL VALUE	unpublished
PARTIES	Charles Ranando Stewart, Jr. v. Patrick Covello

TOPICS

- federal habeas corpus
- post-conviction relief
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should adopt the magistrate judge's recommendation to grant a stay under *Kelly v. Small* while petitioner exhausts state-court remedies.
2. Whether petitioner's request for a stay under *Rhines v. Weber* should be denied as moot after the amended petition omitted the unexhausted claims.
3. What procedural requirements should govern the stayed habeas action pending exhaustion of state-court remedies.

HOLDINGS

1. After conducting de novo review under 28 U.S.C. § 636(b)(1)(C), the district court adopted the magistrate judge's findings and recommendations in full.
2. The court granted petitioner's motion for a stay under *Kelly v. Small* and stayed the habeas action pending exhaustion of state-court remedies.
3. The court denied petitioner's request for a stay under *Rhines v. Weber* as moot because the amended petition no longer contained the unexhausted claims.

KEY QUOTATIONS

“Petitioner’s motion for a stay pending exhaustion of state court remedies under Kelly v. Small, 315 F.3d 1063 (9th Cir. 2002) (Doc. No. 2) is GRANTED and this action is STAYED and held in abeyance pending exhaustion of state court remedies;” (at 2)

FACTUAL BACKGROUND

Petitioner Charles Ranando Stewart, Jr., a state prisoner, filed a federal habeas petition under 28 U.S.C. § 2254 while three claims remained pending in state-court review. He sought a stay under *Kelly v. Small* or, alternatively, under *Rhines v. Weber*. He later filed an amended petition omitting the unexhausted claims and did not oppose the magistrate judge's recommendations.

PROCEDURAL HISTORY

Stewart filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 and moved for a stay under *Kelly v. Small* or, alternatively, *Rhines v. Weber*. He then filed an amended petition omitting three unexhausted claims. The magistrate judge recommended granting the *Kelly* stay and denying the *Rhines* request as moot. After reviewing the record de novo and receiving no opposition from petitioner, the district court adopted the recommendations, stayed the action, and imposed periodic reporting and post-exhaustion filing requirements.

DISPOSITION

other

CASES CITED

- Kelly v. Small, 315 F.3d 1063 (9th Cir. 2002)
- Robbins v. Carey, 481 F.3d 1143 (9th Cir. 2007)
- Rhines v. Weber, 544 U.S. 269 (2005)

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