

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

NOTICE OF DOCUMENT DISCREPANCIES

FILED

2008 JUL 21 10 54 AM '08

TO: U. S. DISTRICT JUDGE / U. S. MAGISTRATE JUDGE
 FROM: L. Hammer Deputy Clerk
 RECEIVED DATE: 7/17/2008
 CASE NO.: 08cv260 BEN (AJB) DOCUMENT FILED BY: Petitioner
 CASE TITLE: Xaysonloth v. Dexter
 DOCUMENT ENTITLED: Motion for an Abeyance to Exhaust State Remedies

Upon the submission of the attached document(s), the following discrepancies are noted:

<input checked="" type="checkbox"/>	Local Rule	Discrepancy
<input checked="" type="checkbox"/>	5.1	Missing time and date on motion and/or supporting documentation
<input type="checkbox"/>	5.3	Document illegible or submitted on thermal facsimile paper
<input type="checkbox"/>	5.4	Document not filed electronically. Notice of Noncompliance already issued.
<input type="checkbox"/>	7.1 or 47.1	Date noticed for hearing not in compliance with rules/Document(s) are not timely
<input checked="" type="checkbox"/>	7.1 or 47.1	Lacking memorandums of points and authorities in support as a separate document
<input type="checkbox"/>	7.1 or 47.1	Briefs or memoranda exceed length restrictions
<input type="checkbox"/>	7.1	Missing table of contents
<input type="checkbox"/>	15.1	Amended pleading not complete in itself
<input type="checkbox"/>	30.1	Depositions not accepted absent a court order
<input type="checkbox"/>		Supplemental documents require court order
<input type="checkbox"/>		Default Judgment in sum certain includes calculated interest
<input checked="" type="checkbox"/>		OTHER: Document already on file (docket #11); No Original Signature

Date forwarded: 7/18/2008

ORDER OF THE JUDGE / MAGISTRATE JUDGE

IT IS HEREBY ORDERED:

- The document is to be filed nunc pro tunc to date received.
- The document is NOT to be filed, but instead REJECTED, and it is ORDERED that the Clerk serve a copy of this order on all parties.
- Rejected document to be returned to pro se or inmate? Yes. Court Copy retained by chambers
- Counsel is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83.1

CHAMBERS OF: Judge Battaglia
 By: Guerra

Dated: 7-21-08
 cc: All Parties

Vilath Xayasomloth T-76900
Ironwood State Prison
P.O. Box 2199 (C2-249)
Blythe, Ca 92226

3 In Pro Per

REJECTED
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

11 Vilath Xayasomloth,

08-0260 BEN (AJB)

12 Petitioner

13 v.

MOTION FOR AN ABEYANCE
TO EXHAUST STATE REMEDIES

15 D. Dexter, Warden,

16 Respondent.

18 COMES NOW Vilath Xayasomloth, Petitioner in pro per moves this
19 Court to grant him an abeyance for the purpose of exhausting issues
20 pending in the California Supreme Court. Petitioner believes that
21 this court has the discretion, Calderon v. Taylor 134 F ed 981
22 (CA9 (Cal) 1998) and a outright dismissal of the instant petition
23 would not afford him enough time to return within the AEDPA timeline
24 Olvera v. Giurbino 371 F 3d 569, 574 (9Th Cir 2004).

26 Date: June 24, 2008

Respectfully Submitted,
Vilath Xayasomloth
Vilath Xayasomloth, Petitioner

In Pro Per