

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

**FILED**

2008 AUG 11 PM 12: 55

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY Rm DEPUTY

IN PRO PER

**NUNC PRO TUNC**

IN THE UNITED STATES DISTRICT COURT **AUG - 1 2008**  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

VILATH XAYASOMLOTH,  
Petitioner,

08-0260 BEN (AJB)

v.

**NOTICE OF MOTION FOR AN  
ABEYANCE TO EXHAUST STATE  
REMEDIES**

D. DEXTER, Warden,  
Respondent

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PLEASE TAKE NOTICE THAT PETITIONER, Vilath Xayasomloth, In Pro Per hereby moves the United States District Court, Southern District for an Abeyance to exhaust state issues currently pending in the California Supreme Court. Petitioner maintains as outlined in the attached memorandum of points and authorities that this court has the discretion to grant the abeyance, Calderon v. Taylor 134 F 3d 981 (CA9 (Cal) 1998). Pursuant to Local Rule 5.1, Petitioner is required (b)(1) to obtain a hearing date and time from the clerk however, considering that he is in custody it is not clear how this can be accomplished, nevtberless, the date and time of this hearing shall be Monday, \_\_\_\_\_, 2008, at 1030 hours.

Date: 8-1-08

Respectfully Submitted

Vilath Xayasomloth,

Petitioner in pro per

*Vilath Xayasomloth*

CR