

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF ILLINOIS
 PEORIA DIVISION**

DEMETRIUS BLAYLOCK,)	
)	
Petitioner,)	
)	
v.)	Case No. 10-1233
)	
MARCUS HARDY,)	
)	
Respondents.)	

OPINION & ORDER

On July 23, 2010, Petitioner Demetrius Blaylock filed a Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. 1). In his Petition, Petitioner alleges claims for ineffective assistance of counsel during his state court trial and appellate proceedings. (Doc. 1 at 5-12). On the same date, Petitioner filed a Motion to Stay (Doc. 2), requesting that this Court stay these proceedings pending the outcome of his successive post-conviction petition in state court. The Court granted Petitioner's Motion to Stay, and stayed this case pending the resolution of his state court proceedings. (Doc. 3). Petitioner has now indicated that those proceedings have terminated, and asks this Court to lift the stay and proceed with this case. Because the stay was granted to Petitioner pending the outcome of his state court proceedings, and those proceedings have terminated, the Court GRANTS Petitioner's Motion to Uplift Stay (Doc. 4).

Pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the District Courts, the Court has examined the Petition and has determined that Petitioner's claims for ineffective assistance of counsel could have merit.

IT IS THEREFORE ORDERED:

1. The Clerk SHALL cause a copy of the Petition (Doc. 1) to be served upon Respondent.
2. Respondent SHALL file an answer or other response within sixty (60) days after service of the Petition. Respondent should address any facts which would establish whether Petitioner's claims are untimely or procedurally barred. In addition, Respondent should address the merits of Petitioner's constitutional claims and otherwise fully comply with Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts.
3. Petitioner MAY file a reply to Respondent's response within thirty (30) days of being served with Respondent's response.
4. Petitioner SHALL serve upon the Respondent a copy of every further pleading or other document submitted for consideration by the Court.

Entered this 6th day of July, 2011.

s/ Joe B. McDade

JOE BILLY McDADE
United States Senior District Judge