

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

MICHAEL BIES,

Petitioner,

-vs-

MARGARET BAGLEY, Warden,

Respondent.

:

Case No. 1:00-cv-682

:

District Judge Susan J. Dlott
Magistrate Judge Michael R. Merz

:

ORDER STAYING CASE PENDING DECISION BY THE UNITED STATES SUPREME COURT

This case came on for telephone conference call at 3:10 p.m. on Wednesday, January 21, 2009. The call was held at the request of Petitioner's counsel, who advised the Court on January 16, 2009 (Doc. No. 137), that the United States Supreme Court had granted certiorari that date to review the final judgment of the Sixth Circuit Court of Appeals in this matter. On oral motion of Petitioner and with the consent of the Respondent, all further proceedings herein are stayed pending decision of the United States Supreme Court, provided, however, that Petitioner shall comply with the Court's Order Regarding Attachments to Reply to Answer (Doc. No. 136). Respondent's counsel consents to that expected motion, reserving his right to object to the use of those materials under the Antiterrorism and Effective Death Penalty Act of 1996 (Pub. L. No 104-132, 110 Stat. 1214)(the "AEDPA").

January 21, 2009.

s/ **Michael R. Merz**
United States Magistrate Judge