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IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

KRISTOFFER MORRIS,

CASE NO. 2:08-cv-1176 JUDGE GRAHAM

Petitioner.

MAGISTRATE JUDGE ABEL

v.

PHILIP KERNS, Warden,

Respondent.

**OPINION AND ORDER** 

On July 20, 2009, the Magistrate Judge issued a Report and Recommendation

recommending that petitioner's request for a stay be denied, and that the petition for a writ

of habeas corpus be dismissed. Thereafter, on August 6, 2009, petitioner filed a motion for

voluntary dismissal of his habeas corpus petition without prejudice so that he may exhaust

state court remedies as to his claims. Doc. No. 17. However, the statute of limitations may

bar petitioner from re-filing this habeas corpus petition. See 28 U.S.C. 2244(d). Petitioner

has the option of filing objections to the Report and Recommendation and appealing any

adverse decision to the United States Court of Appeals for the Sixth Circuit.

Therefore, petitioner is **DIRECTED** to advise the Court within seven (7) days

whether it remains his intention to withdraw his habeas corpus petition. Failure to do so

may result in dismissal of this action.

IT IS SO ORDERED.

s/Mark R. Abel

United States Magistrate Judge