

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

ERIC A. FOSTER,

Plaintiff,

v.

Civil Action No. 2:16-07333

JOHN T. MURPHY, Warden,
Huttonsville Correctional Center,

Defendant.

MEMORANDUM OPINION AND ORDER

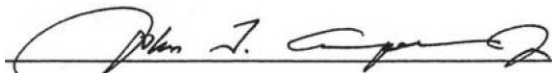
The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Dwane L. Tinsley, filed on June 15, 2017, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B); and having reviewed the record in this proceeding; and there being no objections filed by any party to the proposed findings and recommendation; and it appearing proper so to do, it is ORDERED that the findings and conclusions made in the proposed findings and recommendation of the magistrate judge be, and they hereby are, adopted by the court.

It is, therefore, ORDERED that petitioner's motion to stay and hold in abeyance (ECF No. 6) be, and hereby is, granted. Accordingly, it is hereby ORDERED that petitioner's amended petition is held in abeyance pending the petitioner's exhaustion of the available state court remedies concerning his second state

habeas corpus petition. It is further ordered that petitioner notify the court and the respondent within fourteen days of the resolution of his state habeas appeal, of the result thereof, and his intent to proceed with this matter. The clerk is directed to transfer this matter to the inactive docket until further order of the court.

The Clerk is directed to forward copies of this written opinion and order to petitioner, all counsel of record, and the United States Magistrate Judge.

ENTER: July 10, 2017



John T. Copenhaver, Jr.
United States District Judge