

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

LOUISE HARRIS,)	
)	
Petitioner,)	
)	CIVIL ACTION NO.
v.)	2:07cv239-MHT
)	(WO)
RICHARD ALLEN,)	
Commissioner, Alabama)	
Department of Corrections,)	
)	
Respondent.)	

ORDER

It is the ORDER of the court that petitioner Louise Harris's motion to dissolve stay of federal habeas proceedings (doc. no. 13) is set for submission, without oral argument, on December 1, 2009, with the parties to file briefs by said date. While the court understands that the State agrees to the motion, the court would like the parties to address several concerns: First, whether the court has the authority to adjudicate a habeas petition without a final judgment and before all essential claims have been exhausted in state court. Second, if the court has such authority, what the

implications are. For example, if sentencing-related issues are raised later, after the court's resolution of conviction-related issues, would the later sentencing petition be considered a "successive" petition and subject to such rules? Third, identify any federal cases (trial and appellate), if any, where such partial habeas resolution was allowed. Fourth and finally, any other problems the parties foresee that should be discussed and considered.

DONE, this 18th day of November, 2009.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE