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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

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Michael Apelt,

) No. CV-98-00882-PHX-ROS

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Petitioner,

) DEATH PENALTY CASE

11

vs.

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12

) **ORDER**

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Charles L. Ryan, et. al.,<sup>1</sup>

)

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Respondents.

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In an order dated September 26, 2002, the Court stayed Petitioner’s sentencing-related habeas claims pending resolution in state court of Petitioner’s claim pursuant to *Atkins v. Virginia*, 536 U.S. 304 (2002), that he is mentally retarded and therefore ineligible for the death penalty. (Dkt. 117.) The Court subsequently denied Petitioner’s conviction-related claims while retaining the stay of the sentencing claims. (Dkt. 210.) On May 19, 2009, the state court denied Petitioner’s *Atkins* claim. (See Dkt. 218.) On March 2, 2010, the Arizona Supreme Court denied a petition for review. (See Dkt. 222.) State proceedings having been concluded, the Court will set this matter for a status conference.

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Accordingly,

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<sup>1</sup> Charles L. Ryan, Acting Director of the Arizona Department of Corrections, is substituted for his predecessor pursuant to Fed. R. Civ. P. 25(d)(1).

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**IT IS HEREBY ORDERED** that a status conference will be held on **June 4, 2010**  
**at 9:00 a.m.** in Courtroom 604 of the Sandra Day O'Connor United States Courthouse in  
Phoenix.

DATED this 7<sup>th</sup> day of April, 2010.



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Roslyn O. Silver  
United States District Judge