IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

GYRONNE BUCKLEY   PETITIONER

v.   No. 5:08 CV00157 JLH/JTR

LARRY NORRIS, Director,
Arkansas Department of Correction   RESPONDENT

<u>ORDER</u>

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by

United States Magistrate Judge J. Thomas Ray. No objections have been filed. After careful review,

the Court concludes that the Proposed Findings and Recommended Disposition should be, and

hereby are, approved and adopted in their entirety as this Court's findings in all respects, except that

the unexhausted *Brady* claim will not be dismissed inasmuch as this action will be stayed to give

Petitioner an opportunity to exhaust that claim.

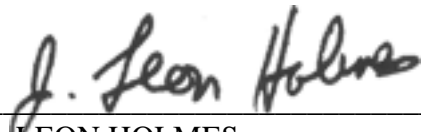IT IS THEREFORE ORDERED that:

1.   Petitioner's Motion for Leave to Supplement his Federal Habeas Petition (docket

entry #20) is GRANTED to the extent that he can supplement his pending § 2254 petition to include

arguments related to the "newly-discovered exculpatory evidence," but, at this time, all other

requests for relief set forth in the Motion are DENIED.

2.   This action should be and will be STAYED on the condition that Petitioner

affirmatively seeks relief on his unexhausted claim with the Supreme Court of Arkansas within thirty

(30) days of the date of this Order.

3.   The Petitioner must provide notice to this Court when his petition is filed in state court. Upon receipt of such notice, this action will be stayed. The Clerk is directed to terminate this case administratively upon receipt of notice that the Petitioner has filed his petition in state court.

4.   Within thirty (30) days of a final decision by the Supreme Court of Arkansas on Petitioner's petition for a writ of *error coram nobis*, Petitioner must file a motion with this Court to lift the stay so that this action can proceed. The administrative termination will cease when this Court lifts the stay.

IT IS SO ORDERED this 1st day of February, 2010.

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J. LEON HOLMES
UNITED STATES DISTRICT JUDGE