

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

ROY LEE RUSSELL  
ADC #087075

PETITIONER

v.

No. 5:15-cv-6-DPM-HDY

WENDY KELLEY, Director, ADC

RESPONDENT

ORDER

On *de novo* review, the Court adopts the recommendation, *No. 9*, in part and declines it in part. FED. R. CIV. P. 72(b) (1983 Addition to Advisory Committee Notes). Russell's objection, *No. 10*, is overruled. Because it isn't staying this case, the Court will not set deadlines for Russell's pursuing his state claims and then refiling his federal habeas petition. *Rhines v. Weber*, 544 U.S. 269, 276-78 (2005). No certificate of appealability will issue because Russell hasn't made a substantial showing about the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2).

So Ordered.

W.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

31 March 2015