

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

CAPITAL CASE

GREGORY DECAJ

PETITIONER

v.

Case No. 5:15-cv-00203-KGB

**DEXTER PAYNE, Director,
Arkansas Department of Correction**

RESPONDENT

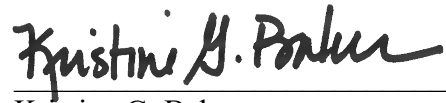
ORDER

Before the Court is the status of this case. Pending before the Court is petitioner Gregory Decay's amended petition for writ of habeas corpus (Dkt. No. 3). Also pending before the Court is Mr. Decay's request for discovery, to expand the record, to hold an evidentiary hearing on the issues of procedural default and the merits of Mr. Decay's claims, and to entertain full merits briefing before any claim is dismissed (Dkt. No. 22, at 87). The Court understands Mr. Decay to request, in part, an evidentiary hearing on his procedurally defaulted ineffective-assistance-of-counsel claims under *Martinez v. Ryan*, 566 U.S. 1 (2012) (Dkt. No. 22, at 87). The parties submitted status reports on December 30, 2021, informing the Court of additional supplemental authority that might warrant further briefing from the parties (Dkt. Nos. 52–53). In their status reports, the parties advised that the Supreme Court's decision in *Shinn v. Ramirez*, Case No. 20-1009, and the Eighth Circuit's decision in *Marcyniuk v. Payne*, Case No. 19-1943, may impact the Court's resolution of Mr. Decay's claims (*Id.*)

On May 23, 2022, the Supreme Court issued its decision in *Shinn v. Ramirez*, 596 U.S. –, 2022 WL 1611786 (2022), and the Eighth Circuit's decision in *Marcyniuk v. Payne* is forthcoming. The Court advises the parties at this time that, after the Eighth Circuit issues its decision in *Marcyniuk v. Payne*, this Court will set a briefing schedule for the parties to address both the

decision in *Shinn v. Ramirez* and *Marcyniuk v. Payne*, along with other issues the parties wish to raise and brief with the Court in this case.

So ordered this 16th day of June, 2022.

Handwritten signature of Kristine G. Baker in black ink.

Kristine G. Baker
United States District Judge