

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

JEFFREY GARRISON,

Petitioner,

v.

CASE NO. 6:11-cv-229-Orl-28GJK

SECRETARY, DEPARTMENT  
OF CORRECTIONS, *et al.*,

Respondents.

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**ORDER**

On March 22, 2011, Petitioner filed a Motion to Stay the Petition (Doc. No. 11). The United States Supreme Court recently set forth the law explaining when a district court should grant a motion to stay a mixed petition for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254:

[I]t likely would be an abuse of discretion for a district court to deny a stay and to dismiss a mixed petition if the petitioner had good cause for his failure to exhaust, his unexhausted claims are potentially meritorious, and there is no indication that the petitioner engaged in intentionally dilatory litigation tactics. In such circumstances, the district court should stay, rather than dismiss, the mixed petition.

*Rhines v. Webster*, 544 U.S. 269, 277-78 (2005).

Petitioner seeks a stay of the instant proceedings so that he can exhaust grounds nine and ten of the habeas corpus petition. Petitioner has two appeals pending in the Fifth District Court of Appeal. This Court finds that Petitioner has provided good cause for staying these proceedings. *See Rhines*, 544 U.S. at 277-78.

Accordingly, it is it is **ORDERED AND ADJUDGED:**

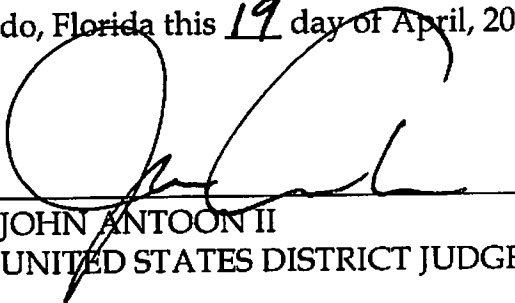
1. Petitioner's request to stay and hold proceedings in abeyance pending conclusion of a state court action (Doc. No. 11) is **GRANTED**, and this case is **STAYED** pending final resolution of the pending state court proceedings.

2. Petitioner shall file a motion to reopen this case within **THIRTY (30) DAYS** after a final decision has been rendered regarding the appeals pending in the Fifth District Court of Appeal.

3. The Clerk of the Court is directed to administratively close this case.

4. **Petitioner is advised that failure to comply with the requirements of this Order may result in dismissal of this case without further notice.**

**DONE AND ORDERED** at Orlando, Florida this 19 day of April, 2011.

  
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JOHN ANTOON II  
UNITED STATES DISTRICT JUDGE

Copies to:  
OrlP-3 4/13  
Jeffrey Garrison