

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

JOHN S. HUGGINS,

Petitioner,

v.

CASE NO. 6:15-cv-630-Orl-37DAB

SECRETARY, DEPARTMENT
OF CORRECTIONS, et al.,

Respondents.

ORDER

This cause is before the Court on Petitioner's Status Report and Request to Continue Stay (Doc. 37). Petitioner, who has been sentenced to death, requests that the case continued to be staying pending the disposition of his successive motion to vacate death sentence filed in the state court. *Id.* at 2. Petitioner is litigating the legality of his death sentence in light of *Hurst v. Florida*, 135 S. Ct. 616 (2016) (holding Florida's capital sentencing scheme violates the Sixth Amendment right to a jury trial), and *Mosley v. State*, No. SC14-436, 2016 WL 7406506 (Fla. Dec. 22, 2016) (holding that a death sentence must be unanimously found by the jury and *Hurst* is retroactive to those whose sentences became final after the issuance of *Ring v. Arizona*, 536 U.S. 584 (2002)). Respondents have no objection to continuing the stay. *Id.* at 2-3.

In light of Petitioner's state court proceedings, the Court finds good cause to continue the stay in this case.

Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The Request to Continue Stay (Doc. 37) is **GRANTED**. This case is **STAYED** and held in abeyance until further Order of the Court, pending the final disposition of Petitioner's state court proceedings.

2. Petitioner shall file a motion to reopen this case within **THIRTY (30) DAYS** after a decision has been rendered regarding the state court proceedings. **The failure to do so will result in dismissal of this case without further notice.**

DONE AND ORDERED in Orlando, Florida, this 9th day of February, 2017.




ROY B. DALTON JR.
United States District Judge

Copies to:
OrlP-3
Counsel of Record