

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DENNIS JUNIOR RIOS,

Petitioner,

v.

Case No: 6:16-v-430-Orl-37KRS

SECRETARY, DEPARTMENT OF
CORRECTIONS, et al.,

Respondents.

_____ /

ORDER

This cause is before the Court on Petitioner's Motion to Stay (Doc. 10). Respondents oppose the motion (Doc. 13). The Supreme Court of the United States has set forth the law explaining when a district court should grant a motion to stay a 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. Weber, 544 U.S. 269, 277-78 (2005).


Petitioner seeks a stay of the instant proceedings because he is attempting to exhaust one ground of his habeas petition (Doc. 10- at 2-3) The Court concludes that Petitioner has provided good cause for staying these proceedings. *See Rhines*, 544 U.S. at 277-78.

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

1. Petitioner's Motion to Stay (Doc. 10) is **GRANTED**. This case is **STAYED** pending conclusion of Petitioner's state court proceedings.
2. Petitioner shall file a motion to reopen this case within **THIRTY (30) DAYS** after a final decision has been rendered in the state court.
3. Petitioner's Motion for Extension of Time (Doc. 9) is **DENIED** without prejudice.
4. The Clerk of Court is directed to administratively close the case.
5. Petitioner is advised that the failure to comply with the requirements of this Order may result in dismissal of this case without further notice.

DONE AND ORDERED in Orlando, Florida on February 13th, 2017.




ROY B. DALTON JR.
United States District Judge

Copies furnished to:

OrIP-3 3/27
Dennis Junior Rios
Counsel of Record