

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MARK ALLEN DAVIS,

Petitioner,

v.

Case No. 8:07-cv-676-T-23TBM
(**Death Case**)

JAMES R. McDONOUGH, JR.,

Respondent.

ORDER

The case was stayed and administratively closed (Doc. 21) while Davis exhausted a Brady/Giglio* claim. After both Davis and the respondent moved to re-open this case (Doc. 28 and 29), Davis asks (Doc. 31) that the case remain stayed while he pursues a new claim in state court based on Porter v. McCollum, ___ U.S. ___, 130 S. Ct. 447 (2009). The respondent offers no opposition. A review of the state court's online docket shows that Davis commenced a new state post-conviction proceeding.

Accordingly, the motions to re-open (Doc. 28 and 29) are **DENIED** and the motion for the case to remain stayed (Doc. 31) is **GRANTED**. Davis's motion for an extension of time (Doc. 30) is **DENIED** as moot. This case shall remain administratively closed. Davis must file a motion to re-open this case not more than thirty (30) days

* Brady v. Maryland, 373 U.S. 83 (1963); Giglio v. United States, 405 U.S. 150 (1972).

after the state proceeding concludes. Davis shall file a status report every six (6) months until this case is re-opened.

ORDERED in Tampa, Florida, on November 24, 2010.



STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE