

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

STUART DELANCEY,

Petitioner,

v.

CASE NO. 1:12-cv-216-MP-GRJ

SECRETARY, DEP'T OF CORRECTIONS,

Respondent.

\_\_\_\_\_ /

**ORDER**

This matter is before the Court on Doc. 9, Petitioner's "Motion for Leave and Order of Abatement." Petitioner asserts that at the time that he filed his petition under 28 U.S.C. § 2254, he believed that he had exhausted his state remedies because he had been denied relief by the Florida Supreme Court. Petitioner states that after he filed his § 2254 petition, the Public Defender's Office informed him that it would represent him in petitioning the United States Supreme Court for a writ of certiorari. Petitioner requests that the Court stay the proceedings in his § 2254 case until Supreme Court review has concluded. Respondent will be required to file a response to Petitioner's motion. The motion will be taken under consideration once Respondent's response is received.

Accordingly, it is **ORDERED** that:

Respondent must file a response to Petitioner's motion for abatement, Doc. 9. The response must be filed **on or before January 30, 2013**.

**DONE AND ORDERED** this 10<sup>th</sup> day of January 2013.

*s/ Gary R. Jones*

GARY R. JONES

United States Magistrate Judge