

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

2018 MAY -4 PM 4: 07

FRANK JOSEPH SWINDLER, )  
)  
Petitioner, )  
)  
v. )  
)  
P.O. AHMED HOLT, Warden, )  
)  
Respondent. )  
)

CLERK   
SO. DIST. OF GA.

CASE NO. CV416-189

O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation, to which no objections have been filed. (Doc. 49.) After a careful review of the record, the report and recommendation is **ADOPTED** as the Court's opinion in this case. As a result, Respondent's Motion to Dismiss for Lack of Exhaustion (Doc. 20) is **DENIED** and Supplement to Motion to Dismiss (Doc. 39) is **GRANTED IN PART** and **DENIED IN PART**. The Court will **STAY** this case and **HOLD IN ABEYANCE** any ruling on Petitioner's 28 U.S.C. § 2254 petition until such time as he exhausts his state remedies.

SO ORDERED this 4<sup>th</sup> day of May 2018.



WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA