

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

RONALD OLIVIER

CIVIL ACTION

VERSUS

NO. 14-2773

N. BURL CAIN, WARDEN

SECTION "G"(2)

ORDER AND REASONS

The petitioner, Ronald Olivier, filed a habeas corpus petition under 28 U.S.C. § 2254. The petition asserts that Olivier's sentence to life in prison without benefit of parole, imposed when he was a juvenile, is unconstitutional under the United States Supreme Court's holding in Miller v. Alabama, 132 S. Ct. 2455 (2012), and that the state courts erred in refusing to apply Miller on collateral review of his sentence. The State filed an answer in opposition to the petition arguing that it was not timely filed because it was filed more than one year after Olivier's conviction was final and Miller did not create a new rule of law retroactively applicable on collateral review. Record Doc. No. 15.

Olivier has now filed a Motion to Stay Proceedings, Record Doc. No. 6, in which he requests a stay of further proceedings in this case to await a determination by the Supreme Court on the issue of the retroactive application of Miller. Olivier references a petition for writ of certiorari recently granted in Montgomery v. Louisiana, 135 S. Ct. 1546 (2015), in which the Supreme Court apparently will consider Miller's retroactive

application on collateral review and the Supreme Court's jurisdiction to consider the Louisiana Supreme Court's refusal to apply Miller retroactively.

The Orleans Parish District Attorney's Office, representing the respondent and the State, has filed a response to the motion, which acknowledges the possible application of any Supreme Court decision in Montgomery and states that respondent has no opposition to the motion to stay. Record Doc. No. 23. Accordingly,

IT IS ORDERED that Olivier's Motion to Stay Proceedings, Record Doc. No. 20, is **GRANTED**. Further proceedings addressing Olivier's petition for issuance of a writ of habeas corpus pursuant to 28 U.S.C. § 2254 are hereby **STAYED**. The Clerk of Court is directed to **CLOSE** the case for all administrative and statistical purposes.

IT IS FURTHER ORDERED that Olivier and defense counsel must notify this court in writing immediately upon resolution of the questions accepted by the Supreme Court on writ of certiorari in Montgomery v. Louisiana, 135 S. Ct. 1546 (2015).

IT IS FURTHER ORDERED that either party may move to re-open this matter within thirty (30) days of resolution of the questions accepted by the Supreme Court on writ of certiorari in Montgomery v. Louisiana, 135 S. Ct. 1546 (2015).

New Orleans, Louisiana, this 18th day of June, 2015.



JOSEPH C. WILKINSON, JR.
UNITED STATES MAGISTRATE JUDGE

CLERK TO NOTIFY
HON. NANNETTE JOLIVETTE BROWN