

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

LAWRENCE JACOBS, JR.

CIVIL ACTION

VERSUS

NO. 15-1334

BURL CAIN

SECTION "C"(2)

ORDER AND REASONS

The petitioner, Lawrence Jacobs, Jr., who is represented by counsel, filed a habeas corpus petition under 28 U.S.C. § 2254. The petition in part asserts that Jacobs'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.

Jacobs has now filed an Unopposed Motion to Stay Proceedings Pending Resolution of Forthcoming Petition for Certiorari to the United States Supreme Court. Record Doc. No. 6. He requests a stay of further proceedings in this case so that he may file a petition for writ of certiorari in the United States Supreme Court regarding the retroactive application of Miller to his case. Jacobs also references a separate 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 Jefferson Parish District Attorney's Office, on behalf of the State, does not oppose a stay in this case pending resolution of a petition for writ of certiorari to be filed by Jacobs and the questions pending in Montgomery.¹ Accordingly,

IT IS ORDERED that Jacobs's Unopposed Motion to Stay Proceedings Pending Resolution of Forthcoming Petition for Certiorari to the United States Supreme Court, Record Doc. No. 6, is **GRANTED**. Further proceedings addressing the captioned 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 Jacob's counsel must notify this court immediately upon resolution of the petition for writ of certiorari in the United States Supreme Court to be filed on Jacobs's behalf and/or resolution of the questions accepted by the Supreme Court on writ of certiorari in Montgomery v. Louisiana, __U.S. __, 135 S. Ct. 1546 (2015).

IT IS FURTHER ORDERED that Jacobs may move to re-open this matter within thirty (30) days of the resolution of the petition for writ of certiorari to be filed on his behalf in the United States Supreme Court and/or resolution of the questions accepted

¹A member of my staff contacted counsel for the State on May 11, 2015, and confirmed the certification in petitioner's motion that he has no opposition.

by the Supreme Court on writ of certiorari in Montgomery v. Louisiana, __ U.S. __, 135 S. Ct. 1546 (2015).

New Orleans, Louisiana, this 13th day of May, 2015.

A handwritten signature in black ink, appearing to read "Joseph C. Wilkinson, Jr.", written over a horizontal line.

JOSEPH C. WILKINSON, JR.
UNITED STATES MAGISTRATE JUDGE

**CLERK TO NOTIFY
HON. GINGER BERRIGAN**