

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

SAMUEL AMBROSE,

Petitioner,

v.

Case Number 08-12502-BC
Honorable Thomas L. Ludington

KENNETH ROMANOWSKI,

Respondent.

**ORDER DIRECTING THE GOVERNMENT TO PRODUCE THE NECESSARY
DOCUMENTS AND ADDRESS THE STATUTE OF LIMITATIONS AND EQUITABLE
TOLLING ISSUES**

On June 30, 2009, the Court issued an opinion and order denying Petitioner Samuel Ambrose's application for a writ of habeas corpus [Dkt. # 19]. The Court concluded that Petitioner's application was barred by the one-year statute of limitations contained in 28 U.S.C. § 2241(d)(1). The Court further concluded that Petitioner was not entitled to equitable tolling because he had not demonstrated that he had diligently pursued his rights or that some extraordinary circumstance stood in his way. *Pace v. DiGuglielmo*, 544 U.S. 408, 418 (2005). Petitioner appealed [Dkt. # 22, 25], and on February 10, 2011, the Court of Appeals vacated this Court's decision citing uncertainty as to whether a 1996 application for post-judgment relief in state court tolled the one-year statute of limitations.

Accordingly, it is **ORDERED** that Respondent is **DIRECTED** to file a brief explaining whether the 1996 application for post-judgment relief tolled the applicable statute of limitations on or before **May 20, 2011**. The response should include, if available, the 1996 application and any applicable state court rulings addressing the application. If the application did not toll the statute of limitations, Respondent should also address whether Petitioner is entitled to equitable tolling.

If the application did toll the statute of limitations, or if the documents necessary to resolve the question are unavailable, Respondent should address the merits of Petitioner's habeas application.

It is further **ORDERED** that Petitioner may file a response on or before **June 10, 2011**.

Respondent may file a reply on or before **June 22, 2011**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: March 17, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and upon Samuel Ambrose, #159367, at Michigan Reformatory, 1342 West Main Street, Ionia, MI 48846 by first class U.S. mail on March 17, 2011.

s/Tracy A. Jacobs