

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PHILLIP REED,

Petitioner,

Case Number: 2:08-CV-12804

v.

HONORABLE PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

NICK LUDWICK,

Respondent.

**OPINION AND ORDER (1) GRANTING PETITIONER’S MOTION TO LIFT STAY,
(2) DIRECTING CLERK OF COURT TO REOPEN CASE, AND
(3) REQUIRING RESPONSIVE PLEADING**

Petitioner Phillip Reed filed a *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging his convictions for first-degree felony murder and home invasion. Petitioner also filed a “Motion to Hold Habeas Petition in Abeyance” because five of the claims raised in his habeas corpus petition had not yet been fully exhausted in state court. At the time he filed his habeas petition, Petitioner’s unexhausted claims were the subject of a motion for relief from judgment pending in the state trial court. On October 2, 2008, the Court issued an order granting Petitioner’s motion, staying the petition while instituting certain conditions under which Petitioner was required to proceed, and administratively closing the case. Now before the court is Petitioner’s Motion to Lift Stay.

To comply with the conditions of the stay, the court required Petitioner to file a motion to lift stay and an amended petition within sixty days after the conclusion of state-court proceedings. In his Motion to Lift Stay, Petitioner states that after the Michigan trial court denied his motion for relief from judgment, he filed an application for leave to appeal in the

Michigan Court of Appeals. The Michigan Court of Appeals denied leave to appeal. *People v. Reed*, No. 04-012408-01 (Wayne County Circuit Court Jan. 28, 2008). The Michigan Supreme Court also denied leave to appeal. *People v. Reed*, No. 139193 (Mich. Feb. 26, 2010). Petitioner filed a motion to lift stay and attached amended petition for writ of habeas corpus within sixty days after conclusion of the state-court proceedings. Thus, he has complied with the Court-imposed conditions. The Court, therefore, will permit Petitioner to reopen the habeas corpus proceeding and file the amended petition.

Accordingly, it is **ORDERED** that Petitioner's "Motion to Lift Stay" is **GRANTED** and the Amended Petition attached to the motion is accepted for filing.

It is further **ORDERED** that Respondent file an answer responding to the allegations of the petition in accordance with Rule 5, Rules Governing Section 2254 Cases, by April 7, 2011.

It is further **ORDERED** that the Clerk of Court reopen this case for statistical purposes.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: October 20, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on October 20, 2010.

S/Denise Goodine
Case Manager

