

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

JOHN VILLENEUVE,

Petitioner,

Civil No. 2:14-CV-13768

HONORABLE DENISE PAGE HOOD

v.

CHIEF UNITED STATES DISTRICT JUDGE

KENNETH ROMANOWSKI,

Respondent,

**OPINION AND ORDER GRANTING PETITIONER'S MOTION FOR AN
ENLARGEMENT OF TIME TO RE-FILE THE PETITION FOR WRIT OF
HABEAS CORPUS WITH THIS COURT**

Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was held in abeyance to permit petitioner to return to the state courts to exhaust additional claims which had not yet been presented to the state courts. The tolling was conditioned upon petitioner returning to federal court within sixty days of completing the exhaustion of his state court post-conviction remedies.

Petitioner filed a motion for an extension of time to re-file his petition for writ of habeas corpus with this Court following the exhaustion of his claims in the state courts. Petitioner requests this extension because he has been placed in administrative segregation and has limited access to

the law library.

The Court grants petitioner a ninety day enlargement of time to re-file his habeas petition with this Court. A federal district court has the power to extend the stay of a habeas petition, particularly where the respondent does not oppose the extension of the stay. *See e.g. Roberts v. Norris*, 415 F.3d 816, 819 (8th Cir. 2005). Petitioner did all that he could reasonably do to re-file his habeas petition with this Court following the exhaustion of his state court remedies, but was “prevented in some extraordinary way” from re-filing the petition with this Court on time. Accordingly, an enlargement of time should be granted to petitioner. *See Schillereff v. Quarterman*, 304 F. App’x. 310, 314 (5th Cir. 2008).

ORDER

IT IS HEREBY ORDERED that the motion for a ninety day enlargement of time [Dkt. # 20] is GRANTED. Petitioner shall have ninety days from the date of this order to re-file his habeas petition with this Court. Petitioner is also free at that time to file an amended habeas petition which

contains any newly exhausted claims.

S/Denise Page Hood
Denise Page Hood
Chief Judge, United States District Court

Dated: August 30, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 30, 2017, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager