

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER WINOWIECKI,

Petitioner,

v.

LORI GIDLEY,

Respondent.

Case No. 16-14270

Honorable Laurie J. Michelson

ORDER LIFTING STAY

Through counsel, Christopher Winowiecki petitioned this Court for a writ of habeas corpus. (ECF No. 1.) And because Winowiecki had failed to exhaust some of his claims, the Warden moved to dismiss Winowiecki's petition. (ECF No. 4.) In response, Winowiecki asked the Court to grant a stay so he could return to state court and exhaust. (ECF No. 5.)

The Court granted the stay. (ECF No. 6.) And after some time passed, the Court ordered Winowiecki's counsel to show cause as to why the case should not be reopened. (EF No. 7.) Primarily, the Court took judicial notice of the docket in the state court where Winowiecki was to have filed his motion for relief from judgment and noticed that he had not done so. (ECF No. 7, PageID.49.) In response to the Court's order to show cause, Winowiecki's counsel dismissed the unexhausted counts in Winowiecki's petition.

Accordingly, the Court reopens Winowiecki's case and will proceed to adjudicate the single remaining claim in the petition.

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE

Date: May 2, 2019

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served on the attorneys and/or parties of record by electronic means or U.S. Mail on May 2, 2019.

s/William Barkholz
Case Manager to
Honorable Laurie J. Michelson