UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

DARIUS RUSH,

Petitioner, Case Number 2:20-CV-11540

HONORABLE DENISE PAGE HOOD

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O'BELL T. WINN,

Respondent.	

OPINION AND ORDER GRANTING THE AMENDED MOTION TO AMEND THE PETITION FOR A WRIT OF HABEAS CORPUS AND GRANTING RESPONDENT TIME TO FILE A SUPPLEMENTAL ANSWER TO THE AMENDED PETITION FOR A WRIT OF HABEAS CORPUS (ECF Nos. 49, 50)

Petitioner, Darius Rush, filed a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254. Petitioner challenges his conviction for first-degree home invasion and conspiracy to commit first-degree home invasion. Carole M. Stanyar was appointed to represent petitioner. The Court conducted an evidentiary hearing in this matter and the parties have filed post-hearing briefs.

Petitioner has now filed a motion to amend the petition and an amended motion to amend the petition for a writ of habeas corpus. For the reasons that follow, the amended motion to amend the petition is GRANTED. The Court grants respondent sixty days from the date of the order to file a supplemental answer to the petition if he so chooses.

Petitioner in his original petition alleged that counsel was ineffective for failing to challenge the voluntariness of his confession. In his amended petition,

petitioner seeks to raise a claim that counsel was ineffective for failing to move to

suppress petitioner's confession on the ground that the police continued to

interrogate him after he invoked his right to counsel.

The Court grants the motion to amend the habeas petition; the amended

habeas petition supplements one of the claims raised in the original petition. See

e.g. Braden v. United States, 817 F.3d 926, 930 (6th Cir. 2016).

The Court grants respondent sixty (60) days to answer and brief the issues

raised by the amended petition to ensure that respondent has sufficient time to

fully address the amended petition. See Stewart v. Angelone, 186 186 F.R.D. 342,

344 (E.D. Va. 1999); Rules Governing § 2254 Cases, Rule 4.

It is **ORDERED** that:

(1) The amended motion to amend the petition (ECF No. 50) is **GRANTED**;

the motion to amend the petition (ECF No. 49) is **MOOT.**

(2) Respondent has sixty (60) days from the date of this order to file a

supplemental answer.

s/Denise Page Hood

Denise Page Hood

United States District Court

Dated: September 26, 2022

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