

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

DEMARGIO GREER,

Petitioner,

v.

Case No. 20-cv-12581

ROBERT VASHAW,

Respondent,

**OPINION & ORDER GRANTING PETITIONER'S MOTION FOR AN EXTENSION OF
TIME TO FILE POST-TRIAL MOTIONS**

On September 14, 2020, Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1). On September 9, 2022, the court held the petition in abeyance for sixty days so that petitioner could exhaust additional claims through post-conviction proceedings in state court. (ECF No. 7.) On November 17, 2022, Petitioner, through newly retained counsel, filed a motion under Federal Rule of Criminal Procedure 45(b) for an extension of time to file his post-conviction motion for relief from judgment with the state courts. (ECF No. 8.) Petitioner's counsel claims that she needs additional time to adequately prepare the post-conviction motion due to her recent retainment and an anticipated four-to-six-week delay in receipt of trial transcripts from the state court. (Id.)

"When an act may or must be done within a specified time, the court may, for good cause, extend the time with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires." FED. R. CIV. P. 6(b)(1)(A). The court accepts Petitioner's recent retainment of counsel as good cause to

extend the stay for initiating post-conviction proceedings within the state court under MCR 6.500, *et seq.* The court therefore grants petitioner a ninety-day extension of time from the date of this order to initiate post-conviction proceedings in the relevant state court. Petitioner is advised that he is still required to return to federal court within sixty days of completing the exhaustion of state court post-conviction remedies. Accordingly,

IT IS ORDERED that Petitioner's Motion for an Extension of Time to File Post-Trial Motions (ECF No. 8) is GRANTED.

IT IS FURTHER ORDERED that the current stay in place shall be extended an additional ninety days to allow Petitioner to initiate post-conviction proceedings in the relevant state court.

s/Robert H. Cleland _____ /

ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 19, 2023

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 19, 2023, by electronic and/or ordinary mail.

s/Lisa Wagner _____ /

Case Manager and Deputy Clerk
(810) 292-6522