

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RALPH STEGALL,

Petitioner,

Civil Action No.
10-CV-14201

vs.

HON. MARK A. GOLDSMITH

LLOYD RAPELJE,

Respondent.

**ORDER (1) ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION,
(2) GRANTING PETITIONER'S MOTION TO HOLD HABEAS CASE IN
ABEYANCE AND STAY PROCEEDINGS, and (3) ADMINISTRATIVELY CLOSING
THE CASE**

This matter is presently before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Paul J. Komives, issued on April 21, 2011. The Magistrate Judge recommends that Petitioner’s motion to hold habeas case in abeyance and stay proceedings be granted. Respondent has not filed objections to the R&R and the time to do so has expired.¹ Thus, Respondent has waived any further right to appeal. Thomas v. Arn, 474 U.S. 140, 155 (1985). In any event, the Court has reviewed the R&R and finds that the Magistrate Judge has reached the correct result for the correct reasons.

Accordingly, it is ORDERED as follows:

(1) The Magistrate Judge’s R&R [docket entry 13] is accepted and adopted as the findings and conclusions of the Court.

(2) Petitioner’s motion to hold habeas case in abeyance and stay proceedings for [docket entry 11] is granted, provided that (a) Petitioner commences state court proceedings

¹ Moreover, the Court notes that Respondent did not file a brief in response to the underlying motion.

on his unexhausted claims within 30 days of this order, and (b) returns to this Court seeking to lift the stay within 30 days of the conclusion of the state court proceedings.

(3) The Clerk of Court shall administratively close the case for statistical purposes only.

Dated: May 27, 2011
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 27, 2011.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager