

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

DEMETRICE COATES,

PETITIONER,

v.

STEVEN RIVARD,

RESPONDENT.

Case No. 16-11231
Hon. Terrence Berg

**ORDER DENYING PETITIONER'S MOTION TO STAY
PROCEEDINGS (Dkt. 14)**

This is a habeas case brought pursuant to 28 U.S.C. § 2254. Presently before the court is Petitioner's motion to stay the proceedings. (Dkt. 14). For the reasons explained below, Petitioner's motion must be denied.

Petitioner requests to stay the case so he can obtain "reformatted affidavits" in support of his ineffective assistance of trial counsel claim, which he argues will "present a clear and convincing basis to set aside [his] conviction and sentence through the issuance of a writ of habeas corpus." (Dkt. 14 at Pg ID 570-71).

Petitioner does not require a stay of proceedings to file reformat-
ted affidavits. A stay would only be appropriate if Petitioner was
seeking to return to the state courts to present his new evidence

there. *See Rhines v. Weber*, 544 U.S. 269, 276 (2005). The motion will therefore be denied, and Petitioner will be given 60 days in which to file his reformatted affidavits.

Finally, the Court notes that if the new affidavits pertain to a claim that was adjudicated on the merits in the state courts, the Court may be barred from considering them. *See Cullen v. Pinholster*, 563 U.S. 170, 181 (2011). That determination will be made when the Court undertakes plenary review of the case.

Accordingly, it is **ORDERED** that Petitioner's motion to stay (Dkt. 14) is **DENIED**.

Petitioner may file the reformatted affidavits within 60 days of the entry of this order.

SO ORDERED.

Dated: July 14, 2017 s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically filed, and the parties and/or counsel of record were served on July 14, 2017.

s/A. Chubb
Case Manager