

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

JOHN BUTSINAS,

Petitioner,

Civil No. 4:19-cv-11789

Hon. Matthew F. Leitman

v.

PAT WARREN,

Respondent.

OPINION AND ORDER HOLDING IN ABEYANCE
THE PETITION FOR WRIT OF HABEAS CORPUS AND
ADMINISTRATIVELY CLOSING CASE

John Butsinas, (“Petitioner”), filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his state court conviction. Respondent filed a motion to hold the petition in abeyance during the pendency of petitioner’s appeal from his re-sentencing. Petitioner’s attorney concurs with the request.

The Court holds the petition in abeyance during the pendency of petitioner’s appeal from the re-sentencing. This tolling is conditioned upon petitioner moving to reopen the case within ninety days after the completion of any re-sentencing appeal in the Michigan appellate courts. *Hargrove v. Brigano*, 300 F.3d 717, 721 (6th Cir. 2002). The Court administratively closes the case for statistical purposes.

/s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: January 9, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 9, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda _____

Case Manager

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