

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRANCE DARNELL GAMBLE,

Petitioner,

Case No. 1:11-cv-611

v.

Hon. Robert J. Jonker

SHERRY BURT,

Respondent.

_____ /

ORDER GRANTING MOTION TO STAY

This is a habeas corpus action brought by state prisoner Terrance Darnell Gamble pursuant to 28 U.S.C. § 2254. After filing his petition, Gamble sought to expand the record in this habeas case by obtaining copies of records which were not part of his state criminal proceedings. Specifically, Gamble sought to obtain copies of the government's *ex parte* motions for sentence reduction filed in a federal case involving Deontye Williams, one of the witnesses in Gamble's state criminal trial. The undersigned denied Gamble's request for copies of the *ex parte* motions, which were restricted access documents filed in a federal criminal case which did not involve Gamble. *See* Order (ECF No. 52). The district judge assigned to this case affirmed the decision, *see* Order (ECF No. 53), and denied Gamble's motion for reconsideration, *see* Order (ECF No. 57). Gamble disagreed with this Court's rulings and filed a Notice of Appeal. *See* Notice of Appeal (ECF No. 60). His case is pending in the Sixth Circuit *sub nom* *Gamble v. LeSatz*, No. 17-2466. *See* Letter (ECF No. 62). This matter is now before the Court on petitioner's "Motion to stay" the habeas proceedings pending his appeal (ECF No. 58).

"The filing of a notice of appeal is an event of jurisdictional significance -- it confers jurisdiction on the court of appeals and divests the district court of its control over those

aspects of the case involved in the appeal.” *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982). This Court cannot adjudicate the habeas petition until the Sixth Circuit addresses the issues raised in petitioner’s appeal. Accordingly,

IT IS ORDERED that petitioner’s motion to stay (ECF No. 58) is **GRANTED**.

IT IS FURTHER ORDERED that this action is **STAYED** and that the Clerk’s Office shall administratively **CLOSE** this case.

Dated: April 11, 2018

/s/ Ray Kent
United States Magistrate Judge