

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JOEY MONTRELL CHANDLER,

PETITIONER

V.

NO. 1:08CV093-A-D

CHRISTOPHER EPPS, et al.,

RESPONDENTS

**ORDER OVERRULING OBJECTIONS and ADOPTING REPORT AND
RECOMMENDATION**

Petitioner, an inmate proceeding *pro se*, files this matter pursuant to 28 U.S.C. § 2254. On August 12, 2008, Magistrate Judge Jerry A. Davis recommended that this matter be stayed for a period of ninety days to allow Petitioner to exhaust his claims in state court in accordance with the AEDPA. *See* 28 U.S.C. § 2244(b)(1). On October 2, 2008, Respondents filed Objections to the Report and Recommendation.

The court finds that Respondents' arguments are not well-taken and that the objections should be overruled for the reasons stated in the Report and Recommendation, which the court approves and adopts as its opinion.

THEREFORE, it is hereby ORDERED that

1) Respondents' objections to the Report and Recommendation of the United States Magistrate Judge are OVERRULED;

2) the Report and Recommendation is APPROVED and ADOPTED as the opinion of this court;

3) this matter is STAYED for ninety days, during which time Petitioner should promptly pursue relief in state court;

4) at the expiration of ninety days, which will be approximately January 21, 2009, Petitioner shall notify the court in writing of his filings in state court and the disposition of those matters; and

5) Petitioner is cautioned that failure to actively pursue relief in state court and timely advise this court may result in dismissal of his federal habeas petition.

SO ORDERED, this the 22nd day of October, 2008.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI