

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

TIMOTHY RONK

PETITIONER

v.

CIVIL ACTION NO. 1:19-CV-346-HSO

**BURL CAIN, Commissioner, Mississippi
Department of Corrections and
LYNN FITCH, Attorney General of the
State of Mississippi**

RESPONDENTS

**ORDER GRANTING IN PART MOTION FOR
ADDITIONAL TIME TO FILE STATE COURT
SUCCESSIVE PETITION FOR POST-CONVICTION RELIEF**

This matter is before the Court on the Motion for Additional Time to File State Court Successive Petition for Post-Conviction Relief [Doc. #50] filed by the Petitioner, Timothy Ronk. The Court has already extended this deadline several times, so that counsel could seek appointment in state court. Ronk seeks to return to state court to exhaust claims of ineffectiveness of post-conviction counsel, a right created by the Mississippi Supreme Court in *Grayson v. State*, 118 So. 3d 118, 125-26 (Miss. 2013).

In order to pursue his state claim, Ronk's attorneys filed a motion for appointment in state court. That motion was opposed by the State, on grounds that Ronk's attorneys had already been appointed for his federal habeas proceedings. The Mississippi Supreme Court denied the motion, but without prejudice to Ronk's counsel seeking appointment there if funding is not available from this Court.

Ronk now asks this Court to set a deadline of December 6, 2021, within which to file his successive petition for post-conviction relief. He anticipates filing a motion with this Court, seeking funding to litigate the state law claims, by September 17, 2021. After that motion is

presented, however, the Court will likely expedite a ruling, and a deadline in December seems excessively distant, particularly given the many extensions already given. For this reason, the Court will grant the Motion, but the deadline for filing a successive post-conviction petition will be thirty days after entry of an order disposing of Ronk's anticipated motion for funding.

IT IS, THEREFORE, ORDERED that the Motion for Additional Time to File State Court Successive Petition for Post-Conviction Relief [Doc. #50] is **GRANTED**, but only to the extent that the deadline for filing the petition is thirty days after the entry of an order disposing of Ronk's anticipated motion for funding in this Court.

It is so ordered, this the 9th day of September, 2021.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE