

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

|                  |   |                      |
|------------------|---|----------------------|
| EARL DEAN SHOBE, | ) |                      |
|                  | ) |                      |
|                  | ) |                      |
| Petitioner,      | ) |                      |
|                  | ) |                      |
| v.               | ) | No. 4:12-CV-2108-JAR |
|                  | ) |                      |
| JEFF NORMAN,     | ) |                      |
|                  | ) |                      |
|                  | ) |                      |
| Respondent.      | ) |                      |

**MEMORANDUM AND ORDER**

This matter is before the Court on Petitioner’s pro se pleading entitled “Motion of Stay be Re-filed, Ruled on its Merits” (Doc. No. 18), which the Court construes as a motion for reconsideration of its June 13, 2013 Order denying Petitioner’s motion for stay of habeas corpus. For the following reasons, Petitioner’s motion will be denied.

The background of this federal habeas action is set forth in detail in the Court’s June 13, 2013 Memorandum and Order. Briefly, Petitioner requested the Court stay his petition in this action pending the state court’s adjudication of his Rule 91 state habeas petition. The Court ruled that Petitioner had alleged no unexhausted claim in either this federal habeas action or his state habeas petition and therefore a stay and abeyance was not appropriate in this case. Petitioner raises no new arguments in support of his motion that could cause the Court to reconsider its previous ruling. For the reasons set out in the Court’s June 13, 2013 Memorandum and Order and incorporated by reference herein, Plaintiff’s motion, construed as a motion for reconsideration, will be denied.

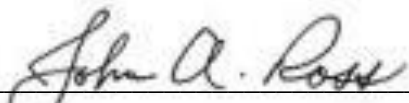
Further, since the filing of Petitioner’s motion, the Circuit Court of Cole County denied his state habeas petition and entered judgment in favor of the Respondent. *Shobe v. Missouri*

*Board of Probation and Parole*, Case No. 12AC-CC00708 (August 26, 2013). Thus, Petitioner's motion for stay is moot.

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner's "Motion of Stay be Re-filed, Ruled on its Merits," [18], construed as a motion for reconsideration, is **DENIED**.

Dated this 18<sup>th</sup> day of February, 2014.

  
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JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE