

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|------------------------|---|-------------------|
| ANTONIO BANKS, |) | 4:10CV3162 |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | MEMORANDUM |
| |) | AND ORDER |
| STATE OF NEBRASKA, and |) | |
| ROBERT HOUSTON, |) | |
| |) | |
| Respondents. |) | |

This matter is before the court on its own motion. On September 2, 2011, the court granted Petitioner’s Motion for a Stay and Abeyance. (Filing No. [27](#).) In that Memorandum and Order, the court granted Petitioner until October 31, 2011, to pursue his state-court remedies. (*Id.*) The court also required that Petitioner file a status report no later than October 31, 2011, advising the court regarding whether he had done so. (*Id.*) As shown in the records of this court, Petitioner filed his “Verified Motion for Post Conviction Relief” in the Lancaster County, Nebraska District Court on November 1, 2011. (Filing No. [31](#).)

On January 20, 2012, the court ordered Petitioner to file a status report no later than July 18, 2012, advising the court of the status of post-conviction proceedings in state court. (Filing No. [32](#).) On June 15, 2012, Petitioner informed the court that his post-conviction proceedings were still pending in the Lancaster County, Nebraska District Court. (Filing No. [33](#).) Petitioner also indicated that “it will be at least six months before he may be able to return to the federal Court.” (*Id.* at CM/ECF p. 2.) In light of Petitioner’s status report, this matter remains stayed and the court will require a status report in six months.

IT IS THEREFORE ORDERED that:

1. This matter remains stayed pending Petitioner's pursuit of his state-court remedies.
2. Petitioner must file another status report advising the court of the status of the separate action in state court no later than April 1, 2013.
3. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: April 1, 2013: deadline for Petitioner to file written status report regarding state-court action.

DATED this 1st day of October, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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