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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

KAREN BODDEN,  
  
v.  
JO GENTRY, et al.,  
  
Respondents.

Case No. 2:14-cv-01968-RFB-NJK

ORDER

Karen Bodden's § 2254 habeas petition is before the court on her motion to stay case (ECF No. 96). Bodden explains that she filed a DNA petition in state court in July 2020 and in January 2021 the state district court set a hearing on the petition for May 6, 2021 (exhibits A and B to motion to stay). Bodden states that the petition seeks new DNA testing that was not available when the state conducted DNA testing in 2007. She avers that the results of the new test could form the basis of an actual innocence claim. See *Schlup v. Delo*, 513 U.S. 298, 314-317 (1995). Respondents have indicated that they do not oppose a stay (ECF No. 96). Therefore, the motion is granted.

**IT IS THEREFORE ORDERED** that petitioner's motion to stay case (ECF No. 96) is **GRANTED**.

**IT IS FURTHER ORDERED** that respondents' motion for extension of time to respond to motion to stay (ECF No. 98) is **GRANTED nunc pro tunc**.

**IT IS FURTHER ORDERED** that this action is **STAYED** pending final resolution of petitioner's state-court proceedings.

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**IT IS FURTHER ORDERED** that the grant of a stay is conditioned upon petitioner returning to federal court with a motion to reopen the case within 45 days of the issuance of the remittitur by the highest state court at the conclusion of petitioner's state-court proceedings.

**IT IS FURTHER ORDERED** that the Clerk **ADMINISTRATIVELY CLOSE** this action, until such time as the court grants a motion to reopen the matter.

DATED: 7 April 2021.

  
RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE