

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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GIBRIL BANGURA,

Petitioner,

v.

STATE OF NEW JERSEY DEPARTMENT:  
OF CORRECTIONS, et al.,

Respondents.

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Civil Action No. 14-0370 (PGS)

**MEMORANDUM ORDER**

This matter has come before the Court on a Petition for Writ of Habeas Corpus by Petitioner Gibril Bangura pursuant to 28 U.S.C. § 2254. The Court ordered an answer on June 12, 2014, ECF No. 5, and Respondents filed an answer on July 22, 2014, ECF Nos. 7-12. In Respondents' answer, they informed the Court that Petitioner's post-conviction relief ("PCR") proceeding was still ongoing in the state court. ECF No. 7 at 3. As such, some of Petitioner's habeas claims have not been exhausted at the time the Petition was filed, so the Petition was a mixed petition as explained in *Rhines v. Weber*, 544 U.S. 269 (2005). Federal district courts may not adjudicate mixed petitions. *Id.* at 273.

Normally, the Court is directed to dismiss a mixed petition without prejudice, *id.* at 274, but a stay and abeyance may be appropriate when a dismissal without prejudice would cause Petitioner to run afoul of the habeas statute of limitations, and lose his opportunity to seek federal habeas review. *See id.* at 275-76. Accordingly, the Court directs Petitioner to show cause as to why the Petition should not be dismissed as mixed or, if he desires a stay, file a motion seeking so.

IT IS therefore on this 13 day of July, 2017,

**ORDERED** that within thirty (30) days of this Order, Petitioner shall show cause as to why the Petition should not be dismissed as mixed; in the alternative, Petitioner may file a motion to stay with supporting arguments on why a stay is warranted; and it is further

**ORDERED** that the Clerk shall serve a copy of this Order upon Petitioner by regular mail.



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**Peter G. Sheridan**  
United States District Judge