

FILED
CLERK

1:18 pm, Oct 04, 2019

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORKU.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE-----X
JAMES WALL,

Petitioner,

-against-

ORDER re: ECF No. 29
13-cv-2803 (SJF)

STATE OF NEW YORK,

Respondent.

-----X
FEUERSTEIN, J.:

Presently before the Court is Petitioner Wall's motion requesting the Court hold his Writ of Habeas Corpus in abeyance to allow him "the opportunity to exhaust his claim of yet another example of ineffective assistance of counsel in state court, upon the grounds that counsel did not advise the [P]etitioner to accept the offered plea . . ." (hereafter, the "Abeyance Motion"). (ECF No. 29.) Counsel for Respondent State of New York did not respond to the Abeyance Motion. (*See Case Docket, in toto.*)

Upon consideration of Petitioner's Abeyance Motion, it is DENIED to the extent that the Court will not hold his Writ of Habeas Corpus in abeyance while he seeks to exhaust an ineffective-assistance-of-counsel claim. However, in the alternative, the Court directs:

- (1) that this case be closed *with leave to reopen*, upon ten (10) days' notice, by no later than October 9, 2020; and
- (2) that the Clerk of Court mail a copy of this Order to Petitioner at his last known address.

SO ORDERED this 4th day of October 2019 at Central Islip, New York.

/s/ *Sandra J. Feuerstein*Sandra J. Feuerstein
United States District Judge