

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**TYRONE FARMER,**

**Petitioner,**

**- against -**

**JOHN COLVIN,**

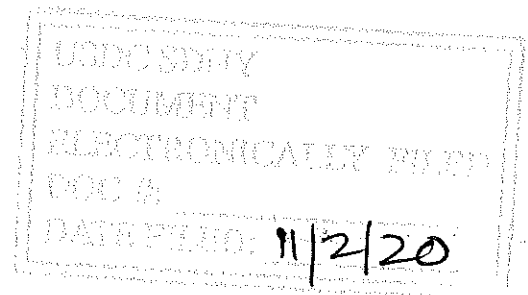
**Respondent.**

**PAUL E. DAVISON, U.S.M.J.:**

On September 22, 2017, Petitioner Tyrone Farmer, acting *pro se*, filed a motion requesting that this action be stayed and to grant him leave to file a Section 440.10 motion to vacate his original conviction to exhaust his state court remedies. [Dkt. 27.] By Order dated November 20, 2017, I denied the motion on the basis that Petitioner had failed to demonstrate good cause for his failure to exhaust. [Dkt. 32.] Petitioner requested additional time to file an objection to my November 20 Order, which I granted, and Petitioner had leave to file an objection through October 5, 2018. [Dkt. 37.]

Petitioner filed a letter dated September 28, 2018 once again asking to stay this action, because he was “waiting on a decision from the Appellate Division Second Department.” [Dkt. 40.] He asked that his letter be construed, “as a motion for an ‘Extension of Time.’” *Id.* Petitioner filed no other documents in response to my November 20 Order and offered no further explanation as to why he objects to the November 20 Order.

I explained in the November 20 Order that district courts ordinarily have authority to issue stays of *habeas* petitions, but that discretion is circumscribed by AEDPA. *See Rhines v. Weber*, 544 U.S. 269 (2005). Specifically, the Supreme Court cautioned that frequent stays may frustrate the twin purposes of AEDPA, namely to encourage finality and to streamline federal



**17 Civ. 1091 (KMK)(PED)**

**ORDER**

habeas proceedings by incentivizing petitioners to seek relief from state courts in the first instance. *Id.* at 277. I adopt the same reasoning today.

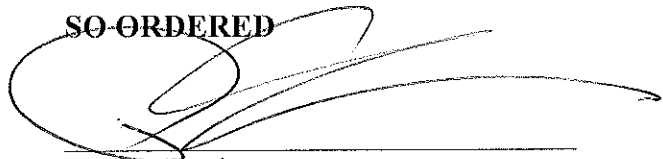
Allowing Petitioner to stay these proceedings would constitute an abuse of discretion under *Rhines*, and Petitioner fails to show good cause to grant an additional stay. Petitioner had the opportunity to submit additional evidence supporting his request for a stay but has not done so. This matter has been fully brief and is ripe for consideration.

Accordingly, Petitioner's request for a further stay of these proceedings is **DENIED**.

This matter is deemed fully submitted.

Dated: November 2, 2020  
White Plains, New York

**SO ORDERED**

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read 'Paul E. Davison'.

Paul E. Davison  
United States Magistrate Judge