

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

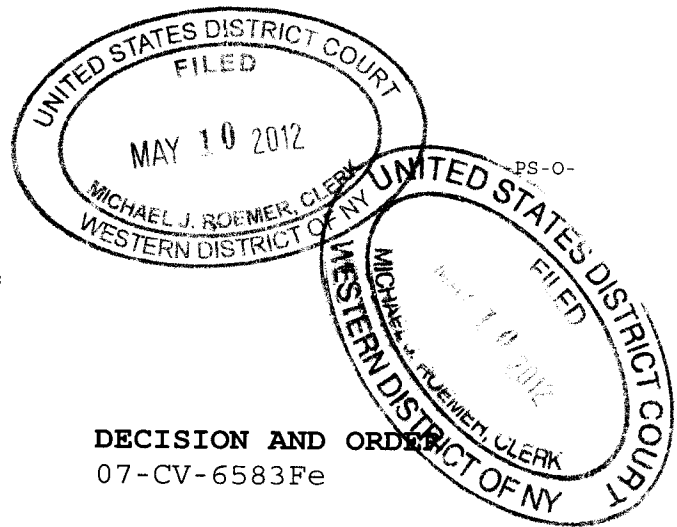
RASHAWN CHAPMAN, 02B2200

Plaintiff,

-v-

Superintendent JAMES T. CONWAY,

Respondent.



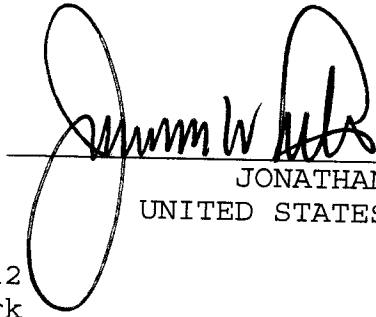
DECISION AND ORDER
07-CV-6583Fe

By Order dated September 21, 2011 (Docket # 6), petitioner was directed to advise the Court of the status of his efforts to exhaust in State Court the grounds for his habeas corpus petition pending in this Court. No response to that Order has been filed. However, it has come to the Court's attention that petitioner is no longer housed at Attica Correctional Facility, where the Court mailed it's September 2011 Order. Petitioner is currently housed at Upstate Correctional Facility.

The Court Clerk is directed to send petitioner another copy of the Court's September 21, 2011 Order and this Order. Petitioner is ordered to advise the Court in writing by **June 13, 2012**, of the status of any exhaustion proceedings he may have commenced in state court, specifically noting what post-convictions motions or requests for relief he has filed since the entry of the stay in this Court on April 22, 2008, the state court or courts in which the motions or requests for relief were filed and the status of the motions or requests for relief.

If petitioner fails to comply with the Order by **June 13, 2012**, the court will vacate the stay and any unexhausted claims that were dismissed without prejudice previously will remain dismissed without prejudice and petitioner may later be barred from bringing them again, either in this matter or a later filed petition for a writ of habeas corpus.

IT IS SO ORDERED.



JONATHAN W. FELDMAN
UNITED STATES MAGISTRATE JUDGE

Dated: 5/10, 2012
Rochester, New York