

DISTRICT COURT OF THE UNITED STATES  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:13-cv-386-FDW

TERRANCE L. JAMES-BEY,                    )  
  )  
  )                    Petitioner,                    )  
  )  
  )                    vs.    )  
  )  
RENOICE E. STANCIL,                        )  
  )  
  )                    Respondent.                    )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on Petitioner’s Motion to Stay re Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254, (Doc. No. 2), and on a Motion for Leave to Appear Pro Hac Vice by attorney Frederick Liu, (Doc. No. 3). Petitioner’s local counsel is Sarah Jessica Farber of North Carolina Prisoner Legal Services.

In support of the motion to stay, Petitioner seeks to place Petitioner’s habeas petition in abeyance pending exhaustion of state remedies. Specifically, Petitioner seeks a stay of this action pending adjudication of Petitioner’s Motion for Appropriate Relief filed in Cleveland County Superior Court on May 22, 2013, in which Petitioner contends that he received a mandatory sentence of life without parole as a juvenile, in violation of Miller v. Alabama, 132 S. Ct. 2455 (2012). Furthermore, although Petitioner concedes that this is a successive petition, he states that the Fourth Circuit granted authorization on May 10, 2013, for him to file such petition. See No. 12-287 (4th Cir. May 10, 2013).

The Court will **GRANT** Petitioner’s Motion to Stay, (Doc. No. 2), and the Motion for Leave to Appear Pro Hac Vice, (Doc. No. 3). Petitioner shall promptly notify the Court when he

has exhausted state remedies and file a motion to lift the stay.

Signed: July 13, 2013

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

