

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Gregory Dew,

Case No. 4:11CV2486

Petitioner,

v.

ORDER

Warden Bennie Kelly,

Respondent,

This is a habeas corpus case in which the Magistrate Judge has filed and Report and Recommendation recommending that adjudication of the petition be held in abeyance pending exhaustion of the petitioner's fifth claim for relief. In addition, the Magistrate Judge overruled the petitioner's motion for discovery. (Doc. 13).

Neither party has filed an objection.

I have reviewed the Report and Recommendation *de novo* and find it well taken.

It is therefore

ORDERED THAT

1. The Report and Recommendation be, and the same hereby is adopted;
2. Further adjudication of the petition be, and the same hereby is held in abeyance pending exhaustion of state remedies; and
3. The petitioner's motion for discovery be, and the same hereby is denied.

The Clerk shall administratively stay and terminate this case on the court's active docket pending notification, which petitioner shall file within thirty days after he has fully exhausted his

state court remedies through all levels of adjudication and appeal, that petitioner has exhausted such remedies.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge