

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

CEDRIC CARTER,

Petitioner,

-vs-

BETTY MITCHELL, Warden,

Respondent.

:

Case No. 1:98-cv-853

:

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

:

ORDER TO PARTIES NOTING STATUS OF CASE

This capital habeas corpus case is before the Court on remand from the Sixth Circuit. *Carter v. Mitchell*, 693 F.3d 555 (6th Cir. 2012). The Sixth Circuit entered judgment on September 6, 2012, and issued its Mandate October 26, 2012, returning jurisdiction to this Court. By this Court's calculation, the time for filing a petition for certiorari in the United States Supreme Court does not run until December 7, 2012. However, because the Mandate has issued, this Court is obliged to obey the remand order unless the parties expect to petition the Supreme Court. Counsel are therefore notified that the Court will consider the remanded issues ripe for decision unless a party files a motion to stay pending certiorari not later than November 10, 2012.

The Court notes that a number of attorneys are still listed on the docket who are no longer involved in the case. Counsel are requested to move to withdraw attorneys no longer involved.

The Court *sua sponte* notes the death of former Ohio Public Defender David Bodiker and the Clerk will removed his name as counsel of record without further motion.

November 2, 2012.

s/ *Michael R. Metz*
United States Magistrate Judge