

**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

:

RECOMMITTAL ORDER

This capital habeas corpus case is before the Court on Petitioner's Objections (Doc. No. 176) to the Magistrate Judge's Report and Recommendations on Motion to Stay (Doc. No. 174). Respondent is permitted by Fed. R. Civ. P. 72 to file a response, but has not yet done so.

The District Judge has preliminarily considered the Objections and believes they will be more appropriately resolved after further analysis by the Magistrate Judge. Accordingly, pursuant to Fed. R. Civ. P. 72(b)(3), this matter is hereby returned to the Magistrate Judge with instructions to file a supplemental report analyzing the Objections and Response and making recommendations based on that analysis.

May 21, 2013.

s/THOMAS M. ROSE

Thomas M. Rose
United States District Judge