UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

CEDRIC CARTER,

Petitioner,

-vs- **Case No. 1:98-cv-853**

BETTY MITCHELL, Warden, **District Judge Thomas M. Rose**

Respondent. **Magistrate Judge Michael R. Merz**

ENTRY AND ORDER OVERRULING CEDRIC CARTER'S OBJECTIONS (Doc. #176) TO MAGISTRATE JUDGE MICHAEL R. MERZ'S REPORT AND RECOMMENDATIONS ON MOTION TO STAY (Doc. #174); OVERRULING CARTER'S OBJECTIONS (Doc. #183) TO MAGISTRATE JUDGE MERZ'S SUPPLEMENTAL REPORT AND RECOMMENDATIONS ON MOTION TO STAY (Doc. #182); ADOPTING MAGISTRATE JUDGE MERZ'S REPORT AND RECOMMENDATIONS AND SUPPLEMENTAL REPORT AND RECOMMENDATIONS ON MOTION TO STAY IN THEIR ENTIRETY; DENYING CARTER'S MOTION TO STAY AND INCLUDING CARTER'S MOTION TO STAY IN THE CERTIFICATE OF APPEALABILITY

This matter is before the Court pursuant to Petitioner Cedric Carter's ("Carter's") Objections (doc. #176) to the Report and Recommendations of Magistrate Judge Michael R. Merz on Carter's Motion To Stay (doc. #174) and Carter's Objections (doc. #183) to the Supplemental Report and Recommendations (doc. #182) of Magistrate Judge Merz on Carter's Motion To Stay. These Report and Recommendations and Supplemental Report and Recommendations address Carter's Motion To Stay his federal habeas proceedings (doc. #165).

The Report and Recommendations on Carter's Motion To Stay was filed on May 1, 2013, and the Supplemental Report and Recommendations on Carter's Motion To Stay was filed on

June 19, 2013. Carter objected to the Report and Recommendations on May 17, 2013, (doc. #176) and objected to the Supplemental Report and Recommendations on June 24, 2013 (doc. #183). The Warden responded to both Carter's Objections to the Report and Recommendations (doc. #179) and Carter's Objections to the Supplemental Report and Recommendations (doc. #184). Carter's Objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Carter's Objections to the Magistrate Judge's Report and Recommendations on Carter's Motion To Stay and Carter's Objections to the Magistrate Judge's Supplemental Report and Recommendations on Carter's Motion To Stay are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations and Supplemental Report and Recommendations on Carter's Motion To Stay are adopted in their entirety.

Therefore, Carter's Motion To Stay (doc. #165) is denied. Further, questions raised by Carter's Motion To Stay should be included in the certificate of appealability.

DONE and **ORDERED** in Dayton, Ohio, this Twenty-Seventh Day of June, 2013.

s/Thomas M. Rose

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THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of record