

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

MICHAEL BIES,

Petitioner,

: Case No. 1:00-cv-682

- vs -

District Judge Susan J. Dlott
Magistrate Judge Michael R. Merz

MARGARET BAGLEY, Warden,
Correctional Institution,

:

Respondent.

ORDER

This capital habeas corpus case is before the Court on Petitioner's Unopposed Motion to Deem the Conditional Writ Satisfied (Doc. No. 185).

On April 10, 2012, Chief Judge Susan Dlott granted a conditional writ of habeas corpus on Petitioner's "other suspects" subclaim of his Fourth Claim for Relief and ordered him released unless the State retried him within 180 days (Doc. No. 175). Both parties appealed (Doc. Nos. 177, 181). On April 20, 2012, the Court granted by notation order Respondent's Amended Motion to Stay which requested a stay "pending the filing and disposition of an appeal by Respondent." (Doc. No. 179, PageID 2038).

On December 22, 2104, the Sixth Circuit affirmed grant of the writ. *Bies v. Sheldon*, ___ F.3d ___, 2014 U.S. App. LEXIS 24242 (6th Cir. 2014). That court issued its mandate on January 15, 2015, returning jurisdiction to this Court (Doc. No. 184). The contemplated appeal having been completed, the stay herein has expired by its own terms.

Petitioner reports that the case has now been assigned to The Honorable Beth Myers, judge of the Hamilton County Common Pleas Court, and that Judge Myers conducted a pretrial conference in the case on February 5, 2015 (Doc. No. 185, PageID 2073). Upon agreement of the parties and Judge Myers, it is hereby ORDERED that the trial required by the conditional writ is deemed to have been commenced on February 5, 2015, by holding the pretrial conference.

February 11, 2015.

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