

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

ELWOOD H. JONES,

Petitioner,

:

Case No. 1:01-cv-00564

- vs -

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

WARDEN, London Correctional
Institution,

:

Respondent.

REPORT AND RECOMMENDATIONS

This capital habeas corpus case is before the Court *sua sponte*.

On December 22, 2022, the parties filed a Joint Status Report (ECF No. 220) in which they reported to the Court that the Hamilton County Court of Common Pleas had, on December 20, 2022, granted Petitioner's delayed motion for new trial. No further status reports have been filed, although there were public reports that the State had appealed the new trial order.

If the new trial order is, or has been, upheld on appeal, Petitioner will be able to return to this Court to seek habeas corpus relief only upon satisfying 28 U.S.C. § 2244(b) with a new petition. If the new trial order is not, or has not been, upheld on appeal, then this Court's prior judgment dismissing the Petition remains final. The Court notes that Petitioner's name does not appear on the extant Ohio execution schedule available at <https://drc.ohio.gov/about/capital->

punishment/execution-schedule.

Based on the foregoing analysis, it is respectfully recommended that this case be closed unless good cause to the contrary be shown within the time allowed for objections to this Report.

November 26, 2024.

s/ Michael R. Merz
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. #