

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

CHARLES BLEVINS,

Petitioner,

:

Case No. 1:05-cv-038

:

-vs-

Magistrate Judge Michael R. Merz

WARDEN, Ross Correctional Institution,

:

Respondent.

ORDER DISSOLVING STAY OF PROCEEDINGS

On Motion of the Petitioner (Doc. No. 38), this Court on May 2, 2007, stayed further proceedings pending the outcome of (1) Petitioner's application for post-conviction DNA testing and (2) Petitioner's Amended First Post-Conviction Relief Petition, filed in the Hamilton County Common Pleas Court on July 2, 2003 (Doc. Nos. 38, 39). The Court is now advised by the Warden's Status Report (Doc. No. 53) that the Hamilton County Common Pleas Court has ruled that the Amended First Post-Conviction Relief Petition was not properly filed and is therefore not before that court for a decision on the merits.

Accordingly, the stay of these proceedings is dissolved. Petitioner may file his amended reply to the answer herein not later than December 1, 2009. Any motion for discovery or evidentiary hearing shall be filed at the same time.

The Clerk shall restore this case to the active docket.

November 6, 2009.

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