

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

**KENNETH SMITH,**

**Petitioner,**

**-vs-**

**Case No. 1:12-CV-196**

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

**FRANCISCO PINEDA, Warden,**

**Respondent.**

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**ENTRY AND ORDER**

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Petitioner having filed his Motion for Leave to File an Amended and Supplemental Petition for Writ of Habeas Corpus (doc. 46) on April 13, 2015, within the Court's previously ordered time frame, the Court **DENIES**, as moot, the Petitioner's appeal of the Court's Decision and Order (doc. 43) denying the Petitioner's Fourth Motion to Extend the Stay of Consideration of his Lethal-Injections Claims and to Extend the Time to File his Motion for Leave to Amend his Habeas Petition with Amended Lethal Injections Claims (doc. 40).

**DONE and ORDERED** in Dayton, Ohio, this 16<sup>th</sup> day of April, 2015.

*s/Thoms M. Rose*

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THOMAS M. ROSE, JUDGE  
UNITED STATES DISTRICT COURT