

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

BOBBY T. SHEPPARD,

Petitioner, : Case No. Case No. 1:12-cv-198  
-vs- : District Judge Gregory L. Frost  
GARET A. BAGLEY, Warden, : Magistrate Judge Michael R. Merz  
cothe Correctional Institution, :  
Respondent.

## **BRIEFING ORDER**

This capital habeas corpus case is before the Court on remand from the Sixth Circuit Court of Appeals (Doc. No. 13) which has ordered this Court “to determine whether Sheppard’s petition constitutes a second or successive petition under § 2244(b).” *Id.* PageID 88.

It is accordingly ordered that the parties file any additional argument they wish the Court to consider on that question not later than June 15, 2012.

May 30, 2012.

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