

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

MICHAEL R. TURNER,

Petitioner,

-vs-

STUART HUDSON, Warden,

Respondent.

:

Case No. 2:07-cv-595

:

District Judge Timothy S. Black
Magistrate Judge Michael R. Merz

:

ORDER WITHDRAWING DECISION

This capital habeas corpus case is before the Court on Petitioner's Motion for Leave to File a Fourth Amended Petition (ECF No. 253). On January 19, 2016, the Magistrate Judge filed a Decision and Order denying that Motion (ECF No. 258). Petitioner appealed that Decision (ECF No. 263) and the Warden has filed a Response to that Appeal (ECF No. 267).

The Decision was based in large part on the Magistrate Judge's reading of *Glossip v. Gross*, 576 U.S. ___, 135 S. Ct. 2726, 192 L. Ed. 2d 761 (2015). However, on March 15, 2016, the Sixth Circuit decided *Adams v. Bradshaw*, ___ F.3d ___, 2016 U.S. App. LEXIS 4678 (6th Cir. Mar. 15, 2016), which appears to have an important impact on the Court's understanding of *Glossip*.

Accordingly, it is hereby ORDERED that the Decision and Order (ECF No. 258) be, and it hereby is, WITHDRAWN. Petitioner is granted leave to file a supplemental memorandum in

support of his Motion for Leave not later than April 1, 2016. The Warden may file a responsive memorandum not later than two weeks after the Petitioner files.

March 16, 2016.

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