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

ROLAND T. DAVIS,

Petitioner,

v.

DAVID BOBBY, Warden,

Respondent.

Case No. 2:10-cv-107
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Norah McCann King

OPINION AND ORDER

Petitioner, a prisoner sentenced to death by the State of Ohio, has pending before this Court a habeas corpus action pursuant to 28 U.S.C. § 2254. This matter is before the Court on Petitioner's *Notice of State Court Decision*. (ECF No. 26.) Included in Petitioner's *Notice* is a corresponding request for the Court to continue to stay the proceedings and hold this case in abeyance. (*Id.* at 1.) For the following reasons, the Court finds that Petitioner's request is well taken and **GRANTS** it.

On September 8, 2010, the Court issued an *Opinion and Order* granting Petitioner's unopposed motion to stay these proceedings and hold the case in abeyance, pending the conclusion of state court proceedings that Petitioner was pursuing to exhaust his twenty-second ground for relief. (ECF No. 18, at 4.) The Court's *Opinion and Order* directed "the parties to notify it within thirty (30) days after the date of the Ohio Supreme Court's resolution of Petitioner's appeal." (*Id.*) Petitioner's *Notice* indicates that the Ohio Supreme Court reversed the decision of the court of appeals below and remanded the case to the court of appeals for reconsideration of a trial court ruling in light of the Ohio Supreme Court's decision. (ECF No. 26, at 1.) Because the Ohio Supreme Court remanded Petitioner's case to the court of appeals for

further review, Petitioner asks this Court to "continue to stay proceedings in this case and continue to hold the case in abeyance pending final completion of these proceedings in the state courts." (*Id.*)

The Court determined in its *Opinion and Order* of September 8, 2010, that stay and abeyance was warranted in this case. The Court also noted that Respondent did not appear to object. Although the Ohio Supreme Court has now resolved the appeal that was pending before it when this Court stayed the instant habeas corpus case, the resolution did not conclude Petitioner's state court proceedings, but instead remanded the case for additional state court review. That being so, the reasons that persuaded this Court in September to stay Petitioner's habeas corpus proceedings persuade this Court now to continue to stay these proceedings.

For the foregoing reasons, the Court **GRANTS** Petitioner's request to continue to stay proceedings in this case and to continue to hold the case in abeyance. (ECF No. 26, at 1.) The Court **DIRECTS** the parties to notify it within thirty (30) days after the date that Petitioner's current state court appeal is completed.

IT IS SO ORDERED.

11-2-2011

EDMUND A. SARGUS, JR.
United States District Judge