

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

ROLAND T. DAVIS,

Petitioner,

v.

NORM ROBINSON, Warden,

Respondent.

Case No. 2:10-cv-107

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Norah McCann King

ORDER

Petitioner, a prisoner sentenced to death by the State of Ohio, has pending before this Court a habeas corpus action under 28 U.S.C. § 2254. This matter is before the Court upon Petitioner's Notice of State Court Decision and corresponding request to continue the stay of these proceedings. (ECF No. 37.)

Immediately after Petitioner filed his initial Petition, this Court on September 8, 2010 issued an Opinion and Order staying these proceedings because Petitioner was in the process of pursuing state court remedies. (ECF No. 18.) On November 2, 2011, this Court issued an Opinion and Order continuing the stay of these proceedings while Petitioner continued to pursue state court remedies. (ECF No. 27.) Subsequently, this Court on June 14, 2012 issued an Order vacating its stay for the limited purpose of ruling on Petitioner's motion to file an amended petition. (ECF No. 33.) Petitioner filed his First Amended Petition on July 30, 2012. (ECF No. 35.) On July 3, 2013, Petitioner filed the instant Notice of State Court Decision, informing this Court that the Ohio Supreme Court last month declined jurisdiction to hear Petitioner's discretionary appeal from the appellate court's decision essentially rejecting Petitioner's request for leave to file a motion for a new trial. (ECF No. 37.) Stating that he intends to file a petition

for a writ of certiorari to the United States Supreme Court, Petitioner asks this Court to continue the stay of these proceedings pending a decision by the United States Supreme Court on his petition for certiorari. (*Id.*)

Petitioner's motion is well taken. Resuming a stay of these proceedings will not unduly prejudice the State of Ohio or this Court, as the proceedings have yet to commence beyond the filing of the petition and in view of the fact that Respondent acquiesced to the initial stay. For the same reasons, resuming a stay of these proceedings will not cause any undue delay.

For the foregoing reasons, Petitioner's request for this Court to continue to stay these proceedings (ECF No. 37) is **GRANTED**. Petitioner **SHALL HAVE** thirty (30) days from the date the United States Supreme Court rules on his petition for certiorari to notify this Court of the United States Supreme Court's decision.

IT IS SO ORDERED.

 7-8-2013
EDMUND A. SARGUS, JR.
United States District Judge