

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

KEVIN L. CHRISTY,

Petitioner, :

Case No. 2:22-cv-4220

- vs -

District Judge James L. Graham
Magistrate Judge Michael R. Merz

WARDEN, Pickaway Correctional
Institution,

Respondent. :

ORDER DISSOLVING STAY

This habeas corpus case under 28 U.S.C. § 2254 is before the Court *sua sponte* to review the status of the case.

The Petition was filed November 7, 2022, when Petitioner placed it in the prison mailing system (ECF No. 1, PageID 22). It was initially referred to Magistrate Judge Peter B. Silvian, Jr., under General Order 22-05 but transferred to the undersigned pursuant to the present amended form of that Order on August 26, 2024, to help balance the Magistrate Judge workload in the District (ECF No. 24).

Noting Judge Silvian's suggestion that Petitioner might have an unexhausted state court remedy by way of a delayed appeal to the Ohio Court of Appeals for the Fifth District and that neither party objected to a stay of proceedings pending exhaustion of that remedy, the undersigned ordered these proceedings stayed pending the outcome of a motion for delayed appeal (ECF No.

25). Petitioner was ordered to file a motion for delayed appeal not later than September 15, 2024, and to furnish this Court with a copy. *Id.* On Petitioner's motion, his time to file was extended to December 1, 2024 (ECF No. 29).

A review of the docket of the Fairfield County Court of Common Pleas reveals that Petitioner did file a Motion for Delayed Appeal on December 2, 2024, the next court day after December 1, 2024, which was a Sunday, thus complying with this Court's Order. On December 30, 2024, the Fifth District Court of Appeals denied that motion.

Accordingly, the stay of these proceedings pending exhaustion of state court remedies is DISSOLVED. The case is therefore ripe for decision.

January 6, 2025.

s/ Michael R. Merz
United States Magistrate Judge