

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

DAVEL CHINN,

Petitioner, : Case No. 3:02-cv-512

- vs -

Chief Judge Edmund A. Sargus, Jr.  
Magistrate Judge Michael R. Merz

CHARLOTTE JENKINS, Warden,  
Chillicothe Correctional Institution,

:  
Respondent.

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**ENTRY VACATING PRIOR ORDER, WITHDRAWING SECOND  
SUPPLEMENTAL REPORT AND RECOMMENDATIONS, AND  
SETTING BRIEFING SCHEDULE**

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In light of the Sixth Circuit's decision in *In re Campbell*, \_\_\_ F.3d \_\_\_, 2017 U.S. App. LEXIS 21094 (6<sup>th</sup> Cir. Oct. 25, 2017), the Magistrate Judge's Decision and Order granting leave to amend to add lethal injection invalidity claims (ECF No. 160) is VACATED and the Second Supplemental Report and Recommendations (ECF No. 169) is WITHDRAWN.

Petitioner is ORDERED to show cause not later than November 6, 2017, why, in light of *Campbell*, the Court should not deny leave to add lethal injection invalidity claims to this habeas corpus case, particularly in light of the pendency of *In re Ohio Execution Protocol Litig.*, Case No. 2:11-cv-1016, in which Mr. Chinn is a Plaintiff.

October 30, 2017.

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