

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

JOHN W. SLAGLE,

Petitioner,

:

Case No. 3:08-cv-146

:

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

-vs-

COURT OF COMMON PLEAS OF
MONTGOMERY COUNTY, OHIO,

:

Respondent.

ORDER DISSOLVING WRIT OF CERTIORARI

Final judgment in this case was entered September 15, 2009, granting Petitioner a conditional writ of habeas corpus providing that he “shall be discharged from further responding to the Indictment unless the Common Pleas Court renders a decision on the video record already created not later than 180 days from the date judgment is entered in this matter.” (Entry and Order, Doc. No. 40, at 1-2.) Petitioner appealed from that decision (Doc. No. 43), but no stay pending appeal has been requested or entered. The Common Pleas Court may therefore have need of its original records in this matter before the case can be heard on appeal by the Sixth Circuit.

It is accordingly ORDERED that the Writ of Certiorari herein (Doc. No. 19) be, and it hereby is, DISSOLVED. The Clerk of this Court shall promptly scan and file the state court record, entitling the docket entry “state court record”) and return the original documents in the state court record to the Clerk of Courts of Montgomery County, Ohio.

December 5, 2009.

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