

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

LARRY GAPEN,

Petitioner,

: Case No. 3:08-cv-280

- vs -

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

DAVID BOBBY, Warden,

Respondent.

:

ORDER VACATING STAY OF PROCEEDINGS

The Ohio Supreme Court having denied Petitioner's Application to Reopen in that court on June 3, 2009, this Court's prior Stay Order (Doc. No. 19) is DISSOLVED. As previously scheduled (Doc. No. 23), Petitioner's amended petition shall be filed not later than July 13, 2009. June 10, 2009.

s/ **Michael R. Merz**

United States Magistrate Judge