

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

ROBERT BUTT,

Petitioner,

:

Case No. 3:09-cv-395

:

-vs-

Magistrate Judge Michael R. Merz

ROBIN KNAB, Warden,
Chillicothe Correctional Institution,

:

Respondent.

ORDER DISSOLVING STAY

This case was stayed January 8, 2010, to allow completion of proceedings in the Ohio Supreme Court (Doc. No. 12). The Court takes judicial notice that on May 5, 2010, Chief Justice Brown filed an Entry in *State v. Butt*, Ohio Sup Ct. Case No. 2010-0232 declining jurisdiction in that case; a copy of the Entry is attached. Accordingly, the stay of these proceedings is dissolved.

Respondent shall file an answer and return of writ herein not later than June 21, 2010; the answer shall comply with the Court's prior Order for Answer (Doc. No. 2). Petitioner may file a reply not later than twenty-one days after the answer is filed.

May 12, 2010.

s/ **Michael R. Merz**

United States Magistrate Judge

The Supreme Court of Ohio

FILED

MAY 05 2010

CLERK OF COURT
SUPREME COURT OF OHIO

State of Ohio

Case No. 2010-0232

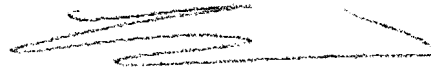
v.

ENTRY

Robert A. Butt, Jr.

Upon consideration of the jurisdictional memoranda filed in this case, the Court declines jurisdiction to hear the case and dismisses the appeal as not involving any substantial constitutional question.

(Montgomery County Court of Appeals; No. 22774)



ERIC BROWN
Chief Justice