

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

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:04-cr-086  
also 3:09-cv-486

-vs-

District Judge Walter Herbert Rice  
Magistrate Judge Michael R. Merz

:

RUDOLPH E. RHABURN,

Defendant.

---

---

**DECISION AND ORDER GRANTING DEFENDANT’S MOTION FOR STAY**

---

---

Defendant has moved to stay these § 2255 proceedings for six months or more because of his absence from federal prison to attend to a legal matter in the Superior Court of Los Angeles County, California (Doc. No. 315). Because Defendant avers he will not have his federal legal papers with him while in California, he cannot respond to the Government’s expected answer in this case.

It is accordingly ordered that all proceedings herein be, and they hereby are, stayed pending Defendant’s return to federal custody. The date on which the United States must answer the § 2255 motion is extended to and including the thirtieth day after Defendant is returned to federal custody. Defendant is ordered to keep this Court currently advised of his custody status.

The Clerk will note the Motion for Stay and Change of Address on the criminal case docket. All future filings shall be made under the criminal case number.

February 13, 2010.

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