

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

JOSEPH W. HUBER, JR.,

Petitioner,

: Case No. 3:11-cv-008

- vs -

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

WARDEN, Chillicothe Correctional
Institution,

:

Respondent.

ORDER

This habeas corpus case has been reopened on Petitioner's Motion and without opposition by the Respondent (Doc. No. 17). The Warden already filed the state court record with the Return of Writ in 2011 (Doc. No. 4). The case is already pending on Petitioner's Motion for Summary Judgment (Doc. No. 15), which will serve in lieu of a reply by Petitioner.

It is therefore ordered that Respondent supplement the Return of Writ with those portions of the state court record generated since the case was dismissed in 2011. Respondent shall also file an amended return if necessary, combined with Respondent's memorandum in response to Petitioner's Motion for Summary Judgment. All of these filings shall be made on or before August 1, 2013. When these items are filed, the Court will treat the case as ripe for decision.

July 3, 2013.

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