

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

CRAIG A. THOMPSON,

Petitioner,

: Case No. 3:18-cv-117

- vs -

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

CHAE HARRIS, Warden,
Warren Correctional Institution

Respondent.

:

ORDER DENYING MOTION FOR STAY WITHOUT PREJUDICE

This habeas corpus case is before the Court on Petitioner's Request for Stay in Abeyance (ECF No. 4). The Request is based on Thompson's concession that his Petition is "mixed," in that Grounds Seven and Eight are still pending in the Second District Court of Appeals, presumably on appeal from denial of a petition for post-conviction relief.

At this point in time the Request is premature. When the state court record is filed along with the return of writ, the Court will be better able to assess Grounds Seven and Eight to determine if a stay is warranted. It may also happen that the Respondent decides to waive the exhaustion defense.

For these reasons, the Request for Stay is DENIED without prejudice to its renewal after the state court record and return of writ are filed.

April 18, 2018.

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