

**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 DISSOLVING STAY AND SCHEDULING FURTHER
FILINGS**

This habeas corpus case is before the Court on Petitioner's Status Report (ECF No. 63) indicating that the Second District Court of Appeals completed its review of this case on March 31, 2020. While complete exhaustion of state court remedies would ordinarily require Petitioner to seek review by the Supreme Court of Ohio, Petitioner advises that because of the COVID-19 pandemic, that court has tolled Ohio court filing deadlines and it is unknown when that court's processes may return to normal timing sequences.

Given those circumstances, Petitioner asks the Court to excuse him from appealing to the Supreme Court of Ohio at this stage of the proceedings. The Magistrate Judge notes that the stay in this case was entered *sua sponte* and in respect of comity for the Ohio courts. Respondent was willing to have the Court proceed to judgment on the State Court Record as it existed in November 2018.

In the particular circumstances that present themselves in this Court at this stage of

proceedings, the Court finds that further appeal to the Supreme Court of Ohio would be futile and Petitioner is excused from pursuing that appeal in this instance.

Accordingly, the Stay of Proceedings is VACATED. Respondent shall supplement the State Court Record not later than June 1, 2020, as already filed with state court filings after the Stay was entered. Petitioner shall file his reply pleading not later than twenty-one days after the supplemental state court record is filed.

April 24, 2020.

s/ Michael R. Merz
United States Magistrate Judge