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BMS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSE MENDEZ,

Petitioner,

v.

GEORGE PATRICK, et al.,

Respondents.

CIVIL ACTION


NO. 13-6437

ORDER

AND NOW, this 2 day of Feb, 2014, upon consideration of the Petition for Writ of Habeas Corpus, the Unopposed Motion to Stay filed by the Respondents, and after review of the Report and Recommendation ("R&R") of United States Magistrate Judge Henry S. Perkin dated October 29, 2014, IT IS HEREBY ORDERED that:

1. the R&R is APPROVED and ADOPTED, the Petition will be held in abeyance pending exhaustion of state remedies, this case shall be placed on the civil suspense docket and Petitioner shall exhaust all claims in state court;
2. within thirty days of the conclusion of the state court proceedings, including any appellate proceedings related thereto, Petitioner's counsel shall notify the Court that those proceedings are concluded and the case is ready to proceed in this Court; and
3. the record for case no. CP-51-CR-0707561-2002 shall be returned to the state court for use in the state court proceedings.

BY THE COURT:



BERLE M. SCHILLER, J.