

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>HENRY CHRISTOPHER STUBBS,</b>	:	<b>CIVIL NO. 1:18-CV-128</b>
<b>III,</b>	:	
	:	<b>(Chief Judge Conner)</b>
<b>Petitioner</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>KEVIN KAUFFMAN, et al.,</b>	:	
	:	
<b>Respondents</b>	:	

**ORDER**

AND NOW, this 3rd day of April, 2018, upon consideration of petitioner’s motion (Doc. 8) to stay, wherein he requests that the court stay its order affording him the opportunity to have his petition construed and ruled upon under 28 U.S.C. § 2254 or to withdraw the petition, (Doc. 5)<sup>1</sup>, and, upon further consideration of the election form (Doc. 6) filed by petitioner in which elected to withdraw his habeas petition with the intent of filing an all-inclusive petition under 28 U.S.C. § 2254, and the court finding that petitioner complied with the terms of the court order and, consequently, in accordance with petitioner’s election form, the court issued an

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<sup>1</sup> Because construing and ruling upon a petition under 28 U.S.C. § 2254 could have precluded Stubbs from filing a second or successive petition for writ of habeas corpus, he was afforded the opportunity to have his petition construed and ruled upon under section 2254 or to withdraw the petition. (Doc. 5). See 28 U.S.C. § 2244(b) (providing that a “second or successive habeas corpus application” under section 2254 may be filed only in limited circumstances and with approval of the court of appeals); United States v. Miller, 197 F.3d 644, 649 (3d Cir. 1999) (instructing district courts to provide notice to *pro se* petitioners of potential ramifications of filing petitions under 28 U.S.C. § 2254); Mason v. Myers, 208 F.3d 414, 417-18 (3d Cir. 2000).

order (Doc. 7) deeming the habeas petition withdrawn without prejudice, it is hereby ORDERED that the instant motion (Doc. 8) to stay is DENIED.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania