

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

AKANINYENE EFIONG AKAN,)
Petitioner,) Civil Action No. 17 – 938
v.)
SUPERINTENDENT SCI FOREST)
and DISTRICT ATTORNEY)
ALLEGHENY COUNTY,)
Respondents.) Magistrate Judge Lisa Pup Lenihan

ORDER

AND NOW, this 19th day of July, 2017,

IT IS HEREBY ORDERED that Petitioner's Application for Stay and Abeyance (ECF No. 3) is granted.

IT IS FURTHER ORDERED that Petitioner's Motion for Equitable Tolling (ECF No. 4) is dismissed without prejudice. The issue of timeliness, including the application of any equitable tolling, will be addressed after the Respondent has filed an answer to the Petition for Writ of Habeas Corpus.

IT IS FURTHER ORDERED that Petitioner's Motion to Compel the Pennsylvania State Attorney General to forward his relevant state court records (ECF No. 5) is dismissed as moot. Pursuant to Rule 5 of the Federal Rules Governing Section 2254 Cases in the United States District Courts, and Rule LCvR 2254(E)(1)(c) of the Local Rules of this Court, the Respondent must provide the Court with all relevant state court records when answering the Petition for Writ of Habeas Corpus.

IT IS FURTHER ORDERED that the Clerk of Court administratively close this case.

AND IT IS FURTHER ORDERED that, in the event that Petitioner does not get the relief he seeks in state court, he shall file a motion to lift the stay and re-open this case within thirty (30) days of exhaustion of his state court remedies.

/s/ Lisa Pupo Lenihan

Lisa Pupo Lenihan
United States Magistrate Judge

cc: Akaninyene Efiog Akan
KP-8782
SCI Forest
PO Box 945
Marienville, PA 16239-0945