

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Willie Adams, #338357,)	C/A No.: 1:16-3946-HMH-SVH
)	
Petitioner,)	
)	
vs.)	ORDER
)	
Cecilia Reynolds, Warden,)	
)	
Respondent.)	
)	

Willie Adams (“Petitioner”), proceeding pro se, filed this petition seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This matter comes before the court on Petitioner’s motion to stay proceeding pending exhaustion of state remedies. [ECF No. 15]. Petitioner moves to stay this proceeding and hold it in abeyance “pending the exhaustion of state remedies, that will occur[] further.” Id. at 1. Respondent opposes Petitioner’s motion, arguing that Petitioner “has exhausted all of his ordinarily available state court remedies” and that Petitioner has not presented a mixed position to the court. [ECF No. 20]. For the reasons that follow, the undersigned denies the motion to stay.

In support of his motion to stay, Petitioner cites to 28 U.S.C. § 2254 and Rhines v. Weber, 544 U.S. 269 (2005). Pursuant to Rhines, a federal habeas case may be stayed and held in abeyance “where such a stay would be a proper exercise of discretion.” Id. at 276. The Supreme Court further stated that in certain instances where a petitioner files a mixed petition (i.e., containing exhausted and unexhausted claims), and there was good

cause for Petitioner's failure to exhaust his state court claims, an exercise of such discretion would be proper. *Id.* at 273–74, 276–77.

The court finds Petitioner has failed to show a stay is warranted under Rhines. Petitioner has not shown he has a pending mixed petition, as he does not identify his unexhausted state court claims or provide the status of any claim he has pending in state court. Petitioner has also failed to articulate cause for his failure to exhaust these alleged claims in state court. Accordingly, Petitioner's motion to stay [ECF No. 15] is denied.

IT IS SO ORDERED.

April 18, 2017
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge