

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JOHNNY L. McGOWAN, JR.,)
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 Petitioner,)
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)
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 vs.)
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)
)
 WARDEN DAVID OSBOURNE,)
)
 Respondent.)

**CASE NO. 3:10-0365
JUDGE CAMPBELL/KNOWLES**

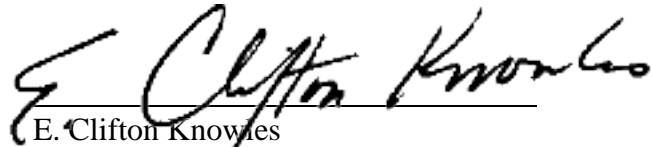
REPORT AND RECOMMENDATION

Petitioner has filed a “Motion to Stay Proceedings in Abeyance in Order to Return to State Court on an Extraordinary Appeal” (Docket No. 28), in this habeas corpus case filed pursuant to 28 U.S.C. § 2254. The thrust of the Motion is that Petitioner wishes to stay the instant action while he exhausts certain state remedies. Respondent has not filed a Response to the Motion.

For the foregoing reasons, the undersigned recommends that the instant Motion be GRANTED and that this action be administratively closed, subject to being reopened upon Motion of either party once Petitioner has exhausted his state remedies.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of

service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.


E. Clifton Knowles
United States Magistrate Judge