

of adaptive functioning, a necessary element of mental retardation. While the state habeas court also cited Dr. Denkowski's opinions, the court's conclusion on this issue is amply supported by Matamoros's records, the testimony of other witnesses, and Matamoros's conduct during his trial. As this Court's separate opinion denying Matamoros's petition makes clear, the state habeas court's conclusion is well supported even if Dr. Denkowski's work is entirely disregarded.

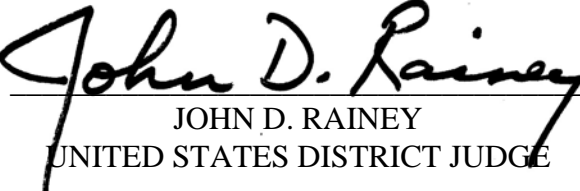
The results of the state proceeding against Dr. Denkowski will not change the outcome of this case, even if Dr. Denkowski is found to have committed professional misconduct. Therefore, there is no basis for staying this case.

Accordingly,

IT IS ORDERED that Petitioner's Motion To Stay Proceedings And Hold In Abeyance (Docket Entry 12) is **Denied**.

SO ORDERED.

SIGNED this 30th day of March, 2010.



JOHN D. RAINEY
UNITED STATES DISTRICT JUDGE