

United States District Court
Southern District of Texas

ENTERED

March 13, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

RODOLFO MEDRANO

§

VS

§

§

CIVIL ACTION NO. M-17-69

§

LORI DAVIS

§

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Petitioner Rodolfo Medrano’s Motion to Stay Proceedings Pending Exhaustion of State Remedies, which had been referred to the Magistrate Court for a report and recommendation. On January 15, 2020, the Magistrate Court issued the Amended Report and Recommendation, recommending that Petitioner’s motion to stay be granted, that this case be stayed and administratively closed, and that Petitioner be ordered to initiate state court remedies within thirty (30) days after the stay is entered and to move to re-open this case within thirty (30) days after the conclusion of the state litigation. Respondent has filed timely objections to the Magistrate Court’s Amended Report and Recommendation and Petitioner has responded to those objections.

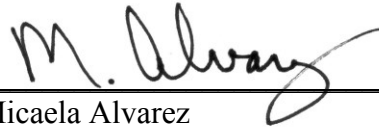
Pursuant to 28 U.S.C. § 636(b)(1)(c), the Court has made a de novo determination of those portions of the report to which objections have been made. As to those portions to which no objections have been made, in accordance with Federal Rule of Civil Procedure 72(b), the Court has reviewed the report for clear error.

Having thus reviewed the record in this case, the parties’ filing and the applicable law, the Court adopts the Amended Report and Recommendation in its entirety. Accordingly, it is hereby ORDERED that Petitioner’s Motion to Stay is GRANTED, that this case is STAYED and is administratively CLOSED, and Petitioner is ORDERED to initiate state court proceedings

within thirty (30) days after this stay is entered and thereafter move to re-open this case within thirty (30) days after the conclusion of the state litigation.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 13th day of March, 2020.

A handwritten signature in black ink, appearing to read "M. Alvarez", is written above a solid horizontal line.

Micaela Alvarez
United States District Judge