

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

DANIEL LEE JORDAN,

Petitioner,

v.

Civil Action No. 2:13-06864

DAVID BALLARD, Warden,

Respondent.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation ("PF&R") of the United States Magistrate Judge filed on August 5, 2013, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B); and having reviewed the record in this proceeding; and there being no objections filed by either the respondent or the petitioner to the PF&R; and it appearing proper so to do, it is ORDERED that the findings and conclusions made in the PF&R be, and they hereby are, adopted by the court.


It is, accordingly, ORDERED as follows respecting the pending section 2254 petition:

1. That the respondent's motion to stay proceedings be, and hereby is, granted;

2. That the section 2254 petition be, and hereby is, held in abeyance pending the petitioner's exhaustion of the available state remedies;
3. That this action be, and hereby is, retired to the inactive docket pending the further order of the court; and
4. That the petitioner be, and hereby is, directed to notify the court and the respondent whether he intends to proceed with this matter within 30 days of the resolution of his state habeas appeal and, in that event, to file an amended section 2254 petition within that same time frame if he seeks to include any of the newly exhausted grounds for relief.

The Clerk is directed to forward copies of this written opinion and order to the petitioner, all counsel of record, and the magistrate judge.

DATED: November 1, 2013



John T. Copenhaver, Jr.
United States District Judge