

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

KEITH W.R. LOWE,

Petitioner,

v.

Civil Action No. 2:20-cv-00569

DONNIE AMES, Superintendent,
Mount Olive Correctional Complex,

Respondent.

ORDER

Pending is petitioner's petition for writ of habeas corpus under 28 U.S.C. § 2254, filed on August 28, 2020. ECF No. 1. Also pending is petitioner's Motion for Extension of Time to File Objections, filed on December 23, 2020. ECF No. 10.

This action was previously referred to United States Magistrate Judge Dwane L. Tinsley for submission of Proposed Findings and Recommendation ("PF&R") for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). On December 10, 2020, the magistrate judge entered his PF&R recommending that the court dismiss petitioner's petition for a writ of habeas corpus with prejudice unless petitioner could demonstrate "that his petition was timely filed or that circumstances exist which would permit equitable tolling for the limitation period." PF&R at 5.

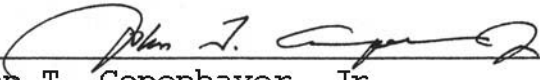
For good cause shown, petitioner's motion for extension of time to file objections is granted to January 5, 2021. Further, petitioner having filed such objections on January 5, 2021, raising circumstances which may potentially allow for equitable tolling of his petition, the court for that reason declines to adopt the PF&R and again refers this matter to the magistrate judge for further proceedings.

Accordingly, it is ORDERED that:

1. Petitioner's Motion for Extension of Time to File Objections be, and hereby is, granted;
2. The Proposed Findings and Recommendations of the magistrate judge be, and hereby are, not adopted; and
3. The matter be, and hereby is, referred to the magistrate judge for further proceedings.

The Clerk is directed to forward copies of this memorandum opinion and order to plaintiff, all counsel of record, and the United States Magistrate Judge.

Enter: August 4, 2021



John T. Copenhaver, Jr.
Senior United States District Judge