

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JEFFREY HAVARD

PETITIONER

V.

CIVIL ACTION NO.: 5:08cv275-KS

CHRISTOPHER EPPS, et al

RESPONDENTS

**MOTION TO LIFT STAY AND TO SET
DEADLINES FOR BRIEFING AND FILING OF MOTIONS**

Petitioner, Jeffrey Havard, by and through undersigned counsel, hereby moves the Court to lift the stay of this matter and to establish deadlines for Havard to file an Amended Petition for Writ of Habeas Corpus, briefing on the Amended Petition, supplemental briefing on claims in the original Petition, and any necessary motions. In support of the Motion, Havard states the following:

1. On April 12, 2011, Havard filed in the Mississippi Supreme Court a Motion for Relief from Judgment or For Leave to File Successive Petition for Post-Conviction Relief (hereinafter, “The State Court Petition”). The State Court Petition set forth five distinct claims for post-conviction relief, based upon evidence derived in these federal habeas proceedings.

2. Because The State Court Petition was pending in state court, this Court entered an order staying these proceedings. *See* Docket # 54. The Court directed Havard to inform the Court within 30 days of final disposition of the state post-conviction proceedings.

3. On March 8, 2012, the Mississippi Supreme Court denied post-conviction relief. On March 22, 2012, Havard filed a Motion for Rehearing, which was denied on May 10, 2012, though the Mississippi Supreme Court did issue a revised opinion.

4. By this Motion, Havard is informing the Court of the final disposition of the state post-conviction proceedings.

5. The presentation of the five claims in the recent state court proceedings has resulted in those claims being fully exhausted and ripe for federal habeas review.

6. Havard therefore requests that this Court lift the stay of this matter and enter an order granting Havard 90 days to file (1) an Amended Petition for Issuance of Writ of Habeas Corpus, (2) briefing on the claims set forth in the Amended Petition, (3) supplemental briefing on previously-briefed claims in light of evidence uncovered in these proceedings since original briefing was completed, and (4) any necessary motions.

7. Respondents should be given 60 days from the filing of the above-listed pleadings to file responsive briefs, and Havard 30 days thereafter to file any reply briefs.

Wherefore, premises considered, Petitioner, Jeffrey Havard, respectfully requests that this Court enter an order lifting the stay of this matter; granting Havard 90 days to file an Amended Petition, a brief in support of the Amended Petition, supplemental briefing of his original claims, and any necessary motions; granting Respondents 60 days from the filing of the above to file any responsive briefs; and granting Havard 30 days thereafter to file any reply briefing.

This the 8th day of June, 2012

Respectfully submitted,

JEFFREY HAVARD, PETITIONER

s/ Graham P. Carner _____
GRAHAM P. CARNER

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CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2012, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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s/ Graham P. Carner

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