

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

CONDITIONAL ADMINISTRATIVE ORDER RE:

(1) STAY IN STATE HABEAS CASES; and
(2) DEADLINE EXTENSION IN PRISONER
CIVIL RIGHTS CASES

Administrative Order
No. 19-MS-079

Funding may lapse for the State of Michigan, including the Office of Attorney General on October 1, 2019. This will limit the ability of the State to defend its interests, and those of related parties, in this Court. And it will naturally invite case-specific motions for scheduling relief in potentially hundreds of cases. That would not be efficient or helpful for any party or the Court.

In light of this, the Court has determined that if the State of Michigan experiences a funding lapse effective October 1, 2019, there will be good cause for a temporary 60-day stay of all pending state habeas cases (Nature of Suit Code 530), and that entry of a single Administrative Order on this issue will serve the interests of judicial economy. The Court further finds there will be good cause for a short, but automatic, 30-day extension of executory deadlines in Prisoner Civil Rights cases (Nature of Suit Codes 550 and 555), and that a single Administrative Order will serve the interests of judicial economy.

The Court therefore enters this Administrative Order, **WHICH WILL APPLY BY ITS TERMS, IF AND ONLY IF THE STATE OF MICHIGAN EXPERIENCES A FUNDING LAPSE AT THE BEGINNING OF ITS FISCAL YEAR, EFFECTIVE OCTOBER 1, 2019.**

(1) **IT IS ORDERED** that all proceedings in any state habeas cases pending before this Court, in which the briefing schedule has not yet been completed, are hereby **STAYED** until sixty (60) days from the effective date of this Order. Following expiration of the stay, Magistrate Judges of this Court may set new briefing deadlines, and make all necessary scheduling adjustments in

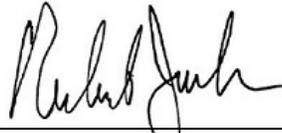
particular cases. The Clerk need not file a copy of this order in any individual case, but must post it on the Court's website;

(2) **IT IS FURTHER ORDERED** upon the effective date of this order that executory deadlines in prisoner civil rights cases are automatically extended thirty (30) days; provided, however, that all scheduled hearing and trial dates remain in effect unless and until a party files a case specific motion addressing these scheduling dates, and the Court grants such a case specific motion; and

(3) **IT IS FURTHER ORDERED** that any party may seek relief from this temporary stay for good cause shown in a particular case, and the Magistrate Judges of this Court are authorized to decide such requests.

This Conditional Administrative Order becomes effective if and only if the State of Michigan experiences a funding lapse at the beginning of its fiscal year, October 1, 2019.

FOR THE COURT:



ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE

Dated: September 27, 2019