

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STANLEY ORLIN STIRES,

Petitioner,

v.

JON D. FISHER, et al.,

Respondents.

CIVIL ACTION

No. 09-1366

MEMORANDUM/ORDER

By a Memorandum and Order dated March 25, 2010, this court (1) ordered respondents to file a response to petitioner Stanley Orlin Stires's motion for a stay, and (2) provided petitioner with time to reply to that briefing. Respondents have not yet complied, and it has come to this court's attention that the March 25 Memorandum and Order was never sent to the district attorney for Northampton County. As a result, although the deadline set by the March 25 Order has now passed, the district attorney will be given thirty days from the date of this order in which to file the appropriate response.

By a letter dated April 7, 2010, and docketed as document number 12 in this case, meanwhile, petitioner moves for leave to file only one hard copy of his reply and any supporting documentation. Petitioner also asks to receive a copy of the docket in this matter. Both of these requests are reasonable and will be granted. Petitioner must,

however, serve a copy of any documents filed with this court on respondents.

AND NOW, this 28th day of April, 2010, it is hereby **ORDERED** as follows:

(1) The district attorney for Northampton County will, within thirty (30) days of the date this Order is filed, file a response to the petition addressing the question of whether the petition should be stayed pending exhaustion of petitioner's state court remedies in light of *Heleva v. Brooks*, 581 F.3d 187 (3d Cir. 2009);

(2) Petitioner may file a reply in support of his request for a stay no later than thirty (30) days after the district attorney's response is filed;

(3) Petitioner's motions (1) for leave to file a single hard copy of documents with this court, and (2) to receive a copy of the docket in this case (Docket No. 12) are

GRANTED; and

(4) The Clerk is directed to mail petitioner a copy of the docket in this case along with this order.

BY THE COURT:

/s/Louis H. Pollak
Pollak, J.