

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

GARRY THOMAS ALLEN,)
)
Petitioner,)
)
v.)
)
RANDALL WORKMAN, Warden,)
Oklahoma State Penitentiary,)
)
Respondent.)

Case No. CIV-12-140-R

**ORDER RESUMING PROCEEDINGS, GRANTING STAY OF
EXECUTION AND SETTING BRIEFING SCHEDULE**

Having been advised that Petitioner's pursuit of mandamus relief in the state court has been concluded by an order denying relief issued by the Oklahoma Court of Criminal Appeals on April 10, 2012, the Court hereby lifts its March 27, 2012, Order abating this case. Proceedings are hereby resumed.

Pursuant to Executive Order 2012-04, the Governor of Oklahoma set Petitioner's execution date for April 12, 2012. To provide Petitioner an adequate opportunity to litigate his claims regarding competency to be executed, particularly in light of the state proceedings just concluded, the Court finds that the execution should be stayed. The Court hereby STAYS Petitioner's execution during the pendency of this action.

Based on the foregoing, the new briefing schedule is as follows:

1. Within fifteen (15) days from the date of this Order, Petitioner shall file an amended petition containing all of the claims he intends to pursue in this

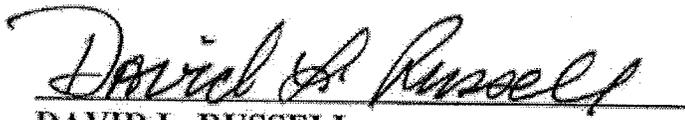
action. This amended petition shall in all respects supercede his original petition filed on February 6, 2012.

2. Within fifteen (15) days after the filing of the amended petition, Respondent shall file a response.
3. Within ten (10) days after the filing of a response, Petitioner may file a reply addressing any new issues raised in the response.
4. All pleadings shall comply with General Order 10-1.
5. Any request for an evidentiary hearing or any further discovery shall be filed within fifteen (15) days of this Order.
6. Respondent shall provide the state court record from the most recent mandamus proceeding to the Court on or before the time for filing the response.

The Court finds that this Order effectively terminates docket entries 4, 27, 36, and 37.

In addition, given the new briefing schedule, the Court finds that docket entries 14, 20, 32, 33, and 34 are now moot. Therefore, it is additionally ordered that docket entries 4, 14, 20, 27, 32, 33, 34, 36, and 37 are dismissed as moot.

SO ORDERED this 11th day of April, 2012.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE