

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ARTHUR ROSS,

Petitioner,

-vs-

Case No. 8:15-cv-2629-T-27TGW


SECRETARY, DEPARTMENT
OF CORRECTIONS,

Respondent.

ORDER

Petitioner filed a motion (Dkt. 41) in which he requests the court stay this case while he returns to state court to present a successive Rule 3.850 motion based on “newly discovered evidence.” The evidence, Petitioner’s medical records that existed before he entered his plea, is not “newly discovered,” but rather “newly obtained.” Petitioner has failed to establish that he is entitled to a stay of his federal habeas proceedings while he returns to state court to present newly obtained evidence that could and should have been presented during his initial state post-conviction proceedings. *See Carter v. Mitchell*, 829 F.3d 455, 465 (6th Cir. 2016) (holding that district court did not abuse its discretion in denying stay of federal habeas proceedings while petitioner returned to state court “to submit additional evidence to buttress claims already exhausted” and “change the record before it”). His motion (Dkt. 41) is therefore **DENIED**.

DONE AND ORDERED on January 2nd, 2018.


JAMES D. WHITEMORE
United States District Judge

Copies to: Pro Se Petitioner; Counsel of Record