

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

Michael B. Ross ex rel. Smyth, :  
Petitioner, :  
v. : Case No. 3:05-CV-116(RNC)  
Theresa C. Lantz, et al., :  
Respondents. :

ORDER

On January 21, 2005, petitioner brought this action for a writ of habeas corpus as next friend of Michael B. Ross seeking an order from this Court staying Ross's imminent execution pending a full and fair hearing on the issue of his competency to "volunteer" to be executed. Petitioner no longer needs extraordinary relief from this Court. Pursuant to an order of the Connecticut Supreme Court, Ross's execution has been stayed indefinitely and the issue of his competency to "volunteer" to be executed has been returned to the Connecticut Superior Court, which is able to provide petitioner with a full and fair hearing on the issue. Accordingly, this action is hereby dismissed without prejudice. The Clerk may close the file.

It is so ordered this 3<sup>rd</sup> day of February 2005.

\_\_\_\_\_/s/\_\_\_\_\_  
Robert N. Chatigny  
United States District Judge