

NOT FOR FULL-TEXT PUBLICATION
File No. 15a0085n.06

Case No. 07-3766

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

ODRAYE G. JONES, nka Malik Allah-U-Akbar,)
)
Petitioner-Appellant,)
)
v.)
)
MARGARET BRADSHAW, Warden,)
)
Respondent-Appellee.)
)
)

FILED
Jan 28, 2015
DEBORAH S. HUNT, Clerk

ORDER

Before: COLE, Chief Judge; MOORE and GRIFFIN, Circuit Judges.

Odraye G. Jones, an Ohio death row inmate, moves this court to expand its January 30, 2009 order in this capital habeas appeal to allow: (1) the district court to consider Jones’s pro se motions to remove counsel and waive his lethal injection litigation; and (2) the filing and full consideration of further pleadings to demonstrate cause to excuse the procedural default of various ineffective assistance of trial counsel claims under *Martinez v. Ryan*, 132 S. Ct. 1309 (2012), and *Trevino v. Thaler*, 133 S. Ct. 1911 (2013).

The warden does not oppose Jones’s first motion, and we granted a similar motion on September 6, 2012. We now grant this motion as well.

The warden opposes Jones’s second motion, filed through counsel, in which he seeks to supplement or amend his pleadings with claims related to the ineffective assistance of trial counsel. Jones contends that there is cause to excuse the procedural default of those claims

under the authority of *Martinez* and *Trevino*. Our court has not yet decided whether an Ohio habeas petitioner can show cause to excuse a procedural default under *Trevino*. See *McGuire v. Warden, Chillicothe Corr. Inst.*, 738 F.3d 741, 751–52 (6th Cir. 2013). We therefore grant Jones’s second motion to expand the limited remand to allow the filing and full consideration of supplemental or amended pleadings related to the ineffective assistance of trial counsel, and for the district court to consider Jones’s contention that there is cause to excuse the procedural default of those claims under *Martinez* and *Trevino*.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk