

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CRIMINAL ACTION
v.)	
)	No. 12-20099-01-KHV
MENDY READ-FORBES,)	
)	
Defendant.)	
_____)	

ORDER

Nearly two years ago, on December 6, 2019, defendant filed her pro se Petition For Writ Of Audita Querela Or Other Appropriate Relief Pursuant To The All Writs Act (Doc. #366). The Court later appointed counsel. This matter is before the Court on defendant’s Motion To Stay Proceedings (Doc. #462) filed October 21, 2021. Defendant asks the Court to stay the deadline for her to file a reply brief in support of her petition for writ of audita querela because she may voluntarily withdraw the petition after the Bureau of Prisons (“BOP”) determines whether to grant her request for home confinement. Defendant estimates that the BOP will make its determination within the next 60 to 90 days. Because defendant filed her petition for writ of audita querela some two years ago and the petition presents several complex legal and factual issues, the Court finds that updated briefing will be necessary from both parties. Accordingly, the Court overrules defendant’s motion to stay and dismisses without prejudice her petition for writ of audita querela. To the extent that defendant wants to pursue her request for a writ of audita querela, she may file a renewed motion and supporting memorandum.

IT IS THEREFORE ORDERED that defendant’s Motion To Stay Proceedings (Doc. #462) filed October 21, 2021 is **OVERRULED**.

IT IS FURTHER ORDERED that defendant's Petition For Writ Of Audita Querela Or Other Appropriate Relief Pursuant To The All Writs Act (Doc. #366) filed December 6, 2019 is **DISMISSED without prejudice.**

Dated this 1st day of November, 2021 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge