

RECEIVED

Oct 19 2022

S.C. SUPREME COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

Quincy J. Allen, )  
)  
Petitioner, )  
)  
v. )  
)  
Lydell Chestnut, )  
)  
Respondent. )  
\_\_\_\_\_ )

Case No. 0:18-cv-01544-DCC

ORDER

This case is before the Court on remand from the United States Court of Appeals for the Fourth Circuit. *Allen v. Stephan*, 42 F.4th 223, 259 (4th Cir. 2022) (reversing and remanding “with instructions that the district court issue the writ of habeas corpus unless the State of South Carolina grants Allen a new sentencing hearing within a reasonable time”). The Fourth Circuit issued the mandate on September 16, 2021, and that same day, the undersigned directed the parties to file a joint status report addressing what constitutes “a reasonable time” for the State’s grant of a new sentencing hearing. ECF Nos. 99, 100. The parties have now filed the joint status report and “jointly submit that 180 days constitutes a reasonable time within which the State must commence a new sentencing hearing.” ECF No. 101 at 2. The parties further state it is their understanding that the Court’s directive would be satisfied so long as the resentencing hearing commences before the imposed deadline. The Court agrees both that 180 days is reasonable and that the resentencing hearing must commence but not necessarily conclude within that time.

Accordingly, consistent with the Fourth Circuit's mandate, the Court **ISSUES** Petitioner a writ of habeas corpus vacating his death sentence unless the State of South Carolina grants him a new sentencing hearing within 180 days of the date of this Order. If the State of South Carolina has not commenced the new sentencing hearing within 180 days, the State must sentence Petitioner to life imprisonment.<sup>1</sup>

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.  
United States District Judge

September 22, 2022  
Spartanburg, South Carolina

---

<sup>1</sup> In the status report, Respondent informs that Court that he intends to file a petition for a writ of certiorari in the United States Supreme Court. "As such, Respondent respectfully asks the Court to contemplate inclusion of a provision that will stay the order granting habeas relief should the United States Supreme Court grant review." ECF No. 101 at 2. In the event that the United States Supreme Court grants review, Respondent may formally move for a stay at that time following proper procedure.