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4 **IN THE UNITED STATES DISTRICT COURT**
5 **FOR THE DISTRICT OF ARIZONA**
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7 Ruben Garza,

8 Petitioner,

9 v.

10 Charles L. Ryan, et al.,

11 Respondents.
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No. CV-14-01901-PHX-SRB

DEATH PENALTY CASE

ORDER

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14 Before the Court is Petitioner Garza's Motion for Reconsideration in Part. (Doc.
15 71.) Garza asks the Court to reconsider the statement in its order of January 11, 2017,
16 indicating that Garza's *Hurst* claim is time-barred because it was not raised in his habeas
17 petition. (Doc. 70 at 6.) On reconsideration, the Court finds that Garza did sufficiently
18 raise such allegations in his petition. (Doc. 27 at 383–84.) For the other reasons set out in
19 the order, however, a stay allowing Garza to pursue the claim in state court is denied.
(Doc. 70 at 5–6.)

20 Accordingly,

21 **IT IS ORDERED GRANTING** Garza's Motion for Reconsideration in Part
22 (Doc. 71).

23 Dated this 28th day of March, 2017.

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27 Susan R. Bolton
28 United States District Judge