

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

**VICTOR HERNANDEZ,** )  
 )  
 **Petitioner,** )  
 )  
 **v.** )  
 )  
 **ROBERT HOUSTON,** )  
 )  
 **Respondent.** )

**CASE NO. 4:09CV3022**

**MEMORANDUM  
AND ORDER**

This matter is before the court on Petitioner’s Motion for Continuance. (Filing No. [18](#).) Petitioner asked the court to continue the habeas proceedings pending the court’s decision regarding Petitioner’s Motion to Stay (Filing No. [9](#)). (Filing No. [18](#) at CM/ECF p. 1.)

Petitioner’s Motion for Continuance is moot because Petitioner’s Motion to Stay was resolved in the court’s Memorandum and Order dated September 2, 2009. (Filing No. [19](#).)

IT IS THEREFORE ORDERED that: Petitioner’s Motion for Continuance (Filing No. [18](#)) is denied as moot.

DATED this 2<sup>nd</sup> day of November, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge