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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WILLIAM WITTER,)
)
 Petitioner,)
)
 vs.)
)
 E.K. McDANIEL, *et al.*,)
)
 Respondents.)
)
 _____)

2:01-CV-1034-GMN-LRL

ORDER

On November 30, 2006, this court entered an order staying this federal habeas proceeding in order to provide the petitioner, William Witter, an opportunity to exhaust state court remedies. Docket #139. On March 16, 2011, petitioner filed a motion to lift the stay and reopen these proceedings. Docket #160. On April 4, 2011, respondents filed their notice of non-opposition to petitioner’s motion. Docket #162.

Good cause appearing, the court shall reopen proceedings in this matter. In addition, petitioner will be allowed the opportunity to file an amended petition. However, petitioner is cautioned that, as provided in the order granting the stay (docket #139), an amended petition shall contain only claims for which he has exhausted state court remedies.

IT IS THEREFORE ORDERED that petitioner’s “Motion to Vacate Stay and Reopen Habeas Corpus Proceeding” (Docket #160) is **GRANTED**. The Clerk shall administratively REOPEN this action. The stay of this action is lifted.

IT IS FURTHER ORDERED that further proceedings in this matter are scheduled as follows:

1. **Amended petition.** Petitioner shall have **forty-five (45) days** from the date this order is entered within which to file an amended petition for habeas corpus relief. The amended petition shall contain only exhausted claims.

