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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN TOLE MOXLEY,

Petitioner,

vs.

DWIGHT NEVEN, *et al.*,

Respondents.

2:07-cv-01123-RLH-GWF

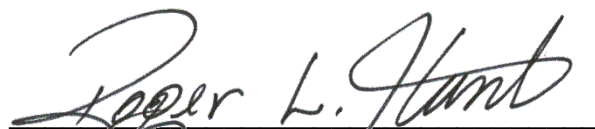
ORDER

Following upon petitioner's motion (#62) for partial dismissal in this represented habeas matter under 28 U.S.C. § 2254, which motion has not been opposed,

IT IS ORDERED that petitioner's motion (#62) is GRANTED such that Ground 2 is DISMISSED without prejudice, **to the extent that and only to the extent that:** (a) petitioner claims that he detrimentally relied upon a promise by the State that he could plead guilty in the stolen vehicle case, (b) petitioner claims that he had a deal that precluded habitual criminal enhancement in the stolen vehicle case; and (c) petitioner seeks specific performance of an alleged promise or plea deal in the stolen vehicle case.

The Court will issue a final order on the remaining claims shortly.

DATED: September 12, 2011.



ROGER L. HUNT
United States District Judge