Doc. 94 Elliot v. Williams et al 1 2 3 4 5 UNITED STATES DISTRICT COURT 6 **DISTRICT OF NEVADA** 7 8 9 CLARENCE H. ELLIOT, 10 Petitioner, 2:08-cv-00829-GMN-GWF 11 **ORDER** VS. 12 BRIAN WILLIAMS, et al., 13 Respondents. 14 15 This closed action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. 16 This Court granted habeas relief to petitioner Clarence H. Elliot on September 23, 2011. (ECF No. 17 45). On October 25, 2011, this Court granted petitioner's motion for release, pending the resolution 18 of respondents' appeal to the United States Court of Appeals for the Ninth Circuit. (ECF No. 58). 19 Pursuant to the Magistrate Judge's order, petitioner posted a cash bond of \$25,000.00 on July 24, 20 2012. (ECF Nos. 64 & 65). Petitioner was released from the custody of the Nevada Department of 21 Corrections. (ECF No. 69). 22 By memorandum opinion filed November 21, 2013, the United States Court of Appeals for 23 the Ninth Circuit affirmed this Court's grant of habeas relief. (ECF No. 86). The Court of Appeals 24 issued mandate on December 16, 2013. (ECF No. 87). 25 On February 4, 2014, petitioner filed a motion for the return of the \$25,000.00 cash bond. (ECF No. 91). By order filed February 5, 2014, the Court expedited the briefing schedule for this

motion. (ECF No. 92). Respondents have filed a notice of non-opposition to petitioner's motion. (ECF No. 93). Petitioner has complied with his release conditions while on bond. (ECF No. 91, at Exhibit A, Letter from U.S. Pretrial Services Officer). Petitioner informs this Court that on January 23, 2014, he was notified that the State seeks to retry him in the Eighth Judicial District Court. (ECF No. 91, at Exhibit B, Notice of Hearing, Eighth Judicial District Case No. 97-C-142132). Good cause appearing, petitioner's motion for return of the \$25,000.00 cash bond is granted. IT IS THEREFORE ORDERED that petitioner's motion for the return of \$25,000.00 cash bond (ECF No. 91) is **GRANTED.** IT IS FURTHER ORDERED that the \$25,000.00 cash bond SHALL BE EXONERATED AND RETURNED to petitioner Clarence H. Elliot forthwith. Petitioner is HEREBY RELEASED from the supervision of the U.S. Pretrial Services Office. IT IS FURTHER ORDERED that the Clerk of Court SHALL PROVIDE a copy of this order to the U.S. Pretrial Services Office, attention Jaime Stroup, in Las Vegas, Nevada. Dated this ____7 day of February, 2014. Gloria M. Navarro, Chief Judge United States District Court