1	UNITED STATES DISTRICT COURT
2	DISTRICT OF NEVADA
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5	WILLIE J. SMITH, JR.,
6	Petitioner, ) 2:08-cv-1552-GMN-LRL
7	vs. ) ORDER
8	BRIAN WILLIAMS, <i>et al.</i> ,
9	Respondents.
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11	This action is a <i>pro se</i> petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254,
12	by a Nevada state prisoner.
13	By order filed February 25, 2010, the Court dismissed Grounds 3, 9, 10, 11, 12, 13, 17, 18,
14	19, 20, 21, 22, 23, 24, 25, 26, and 29 of the federal habeas petition as procedurally defaulted. The
15	Court dismissed Grounds 4, 5, 8, 15, 28, and 30 for failure to state a cognizable claim for federal
16	habeas relief. The Court found that Ground 2 of the petition is unexhausted. The Court further
17	found that the portion of Ground 6 pertaining to unproduced photographs and videotape is
18	exhausted, but the remainder of the Ground 6 (pertaining to Burger Management's change of
19	address, information regarding who authorized the security officers to wear badges, contracts
20	between Burger Management and other entities, and information regarding the credibility of the
21	State's witnesses) is unexhausted. (ECF No. 29).
22	Petitioner filed a motion to dismiss his unexhausted claims and proceed with the remaining
23	grounds of the petition. (ECF No. 30). The motion to dismiss the unexhausted claims and proceed
24	on the remaining grounds of the petition is granted.
25	On April 19, 2010, respondents filed an answer to Grounds 1, 7, 14, 16, 27 and the exhausted
26	portion of Ground 6. (ECF No. 31). Petitioner filed his reply on May 6, 2010. (ECF No. 31).

1	Petitioner has requested a copy of the docket sheet in the instant matter. (ECF No. 37).
2	Good cause appearing, petitioner's request for a docket sheet is granted.
3	Petitioner has filed a motion for a hearing in this action. (ECF No. 40). At this juncture, the
4	Court finds no cause for a hearing. The Court will issue an order on the merits of the petition in due
5	course.
6	IT IS THEREFORE ORDERED that petitioner's motion to dismiss Ground 2 and the
7	unexhausted portion of Ground 6 of the petition (ECF No. 30) is GRANTED.
8	IT IS FURTHER ORDERED that petitioner's motion requesting a docket sheet (ECF No.
9	37) is <b>GRANTED.</b> The Clerk of Court <b>SHALL SEND</b> petitioner a print-out of the current docket
10	sheet from CM/ECF in the instant case.
11	IT IS FURTHER ORDERED that petitioner's motion for a hearing (ECF No. 40) is
12	DENIED.
13	DATED this 23rd day of February, 2011.
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16	Gloria M. Navarro United States District Judge
17	O Miled District Judge
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