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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

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8 CODY LEAVITT,)

9 Petitioner,)

Case No. 2:12-cv-00987-JCM-CWH

10 vs.)

ORDER

11 DWIGHT NEVEN, et al.,)

12 Respondents.)
13 _____/

14 This action involves a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Before
15 the court is petitioner's motion to withdraw as counsel (ECF. No. 24).¹ In the motion, counsel for
16 petitioner advises the court that the motion to withdraw is brought due to a scheduling conflict arising
17 from an upcoming 4-6 week trial, which has impacted his ability to draft the petition within the court's
18 deadline. Respondents have not opposed the motion. Based on the facts and circumstances presented,
19 the court will deny the motion to withdraw, but will temporarily stay the proceedings to allow counsel
20 time to complete the trial in the other matter.

21 **IT IS THEREFORE ORDERED** that petitioner's motion to withdraw as appointed counsel
22 (ECF. No. 24) is **DENIED**.

23 **IT IS FURTHER ORDERED** that this action is **TEMPORARILY STAYED**. The clerk shall
24 _____

25 ¹ Petitioner also has a second action proceeding in a petition for writ of habeas corpus in which he has
26 been appointed the same counsel and in which a similar motion has been filed. *See* 2:12-cv-00625-MMD-NJK
The court takes notice of a hearing conducted in the related habeas action on March 27, 2013 to address the
motion to withdraw as counsel. The court therein has determined to proceed as outlined above. Judicial
economy supports a similar action in this matter.

1 **ADMINISTRATIVELY CLOSE** the case.

2 **IT IS FURTHER ORDERED** that on or before August 30, 2013, petitioner shall file a motion
3 to reopen the action along with the amended petition.

4 Dated April 1, 2013.

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7 UNITED STATES DISTRICT JUDGE
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