

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

10 ARMANDO B. CORTINAS, JR., Case No. 2:14-cv-01549-RFB-CWH  
11 Petitioner, ORDER  
12 v.  
13 D.W. NEVENS, *et al.*,  
14 Respondents.

17 This counseled habeas matter comes before the Court on petitioner's motion to  
18 stay proceedings pending litigation in a related case (ECF No. 34).

19        In 2010, petitioner filed with the Court a document entitled “Application For  
20 Certificate of Appealability.” The document was received by the Court and assigned Case  
21 Number 3:10-cv-00439-LRH-RAM. More than four years later, petitioner initiated the  
22 instant action with the filing of a *pro se* petition for writ of habeas corpus pursuant to 28  
23 U.S.C. § 2254. Following the filing of a motion to dismiss by the respondents in this case,  
24 the Court on August 24, 2016, appointed the Federal Public Defender to represent  
25 petitioner and ordered the FPD to file an amended petition on or before March 22, 2017.  
26 (See ECF No. 30).

27 On March 22, 2017, petitioner filed a motion in Case Number 3:10-cv-00439-LRH-  
28 RAM seeking leave to amend his 2010 filing. Petitioner contemporaneously moved this

1 Court to stay proceedings pending resolution of litigation in Case Number 3:10-cv-00439-  
2 LRH-RAM. In brief, petitioner argues that there is a chance this Court will find his 2014  
3 petition untimely and that he would be better served by litigating his claims in the 2010  
4 case instead. Respondents have not opposed the motion to stay, and the time for doing  
5 so has expired.

6 In light of petitioner's preference to litigate his habeas claims in Case Number 3:10-  
7 cv-00439-LRH-RAM and the fact the motion for leave to amend remains pending in that  
8 case, petitioner's motion to stay (ECF No. 34) is GRANTED. This action shall be  
9 administratively closed, subject to being reopened on the motion of either party or upon  
10 further order of the court.

11 IT IS SO ORDERED.

12 DATED THIS 13<sup>th</sup> day of November, 2017.

13  
14   
15 RICHARD F. BOULWARE  
16 UNITED STATES DISTRICT JUDGE

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28