

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 Robert Fitzgerald Smith,
5 Petitioner
6 v.
7 Brian E. Williams, et al.,
8 Respondents
9

2:15-cv-00465-JAD-PAL
Order Dismissing Case

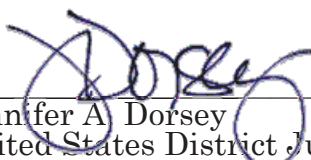
10 In this mixed-petition case, I previously gave petitioner Robert Smith two
11 options: (1) dismiss the unexhausted grounds in his petition and proceed with the
12 exhausted grounds, or (2) dismiss the case and return to state court to exhaust the
13 unexhausted grounds.¹ Smith evidently chose the second option and now declares
14 that he wishes to dismiss this case.² The dismissal is without prejudice, and I make
15 no determinations regarding potential state-court or federal-court procedural bars.

16 Accordingly, IT IS HEREBY ORDERED that this case is **DISMISSED**
17 without prejudice.

18 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**
19 because reasonable jurists would not find my decision debatable.

20 The **Clerk of Court** is directed to **CLOSE THIS CASE**.

21 DATED: October 30, 2017.

22 
23 Jennifer A. Dorsey
24 United States District Judge

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26
27 ¹ See ECF No. 46.

28 ² See ECF No. 47.