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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES ANTHONY DAVIS,

Petitioner,

v.

BRIAN WILLIAMS, et al.,

Respondents.

Case No. 2:15-cv-01574-RFB-NJK

ORDER

This closed 28 U.S.C. § 2254 habeas corpus action comes before the Court on counseled Petitioner James Anthony Davis's *pro se* motion for release. (ECF No. 117.) On August 28, 2023, this Court granted Davis's amended petition for a writ of habeas corpus and ordered that "[w]ithin 120 days of the later of (1) the conclusion of any proceedings seeking appellate or certiorari review of this court's judgment, if affirmed, or (2) the expiration for seeking such appeal or review, Davis shall be released from all custody and/or other restraints, including parole or other supervision, unless, subject to the competency issues addressed within this order, the state files a written election in this matter of its intention to try Davis and thereafter commences jury selection." (ECF No. 112.) Respondents filed an appeal on September 20, 2023, and the Ninth Circuit Court of Appeals set a briefing schedule on September 26, 2023. (ECF Nos. 114, 116.) In his motion for release, Davis explains that he has yet to be released from custody. (ECF No. 117.)

Davis's *pro se* motion in this counseled action is a fugitive document. Once an attorney has made an appearance on behalf of a party, the party may not personally file any document with the court. LR IA 11-6. As such, this Court strikes the motion. However, this Court also notes that Davis is not entitled to be released at this time given that the appellate proceedings are still ongoing.

1 **IT IS THEREFORE ORDERED** that Petitioner James Anthony Davis's *pro se* motion
2 for release (**ECF No. 117**) **SHALL BE STRICKEN** as a fugitive document.

3 **Dated:** December 15, 2023.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT COURT

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