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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

PORFIRIO DUARTE-HERRERA,

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Petitioner,

ORDER

Case No. 2:15-cv-01843-GMN-CWH

BRIAN WILLIAMS, et al.,

Respondents.

On November 13, 2018, the Court found the petition in this action to be mixed, containing both exhausted and unexhausted claims. The Court granted petitioner's request for a stay and abeyance pursuant to Rhines v. Weber, 544 U.S. 269 (2005), and administratively closed this case. On May 16, 2019, petitioner filed a motion to dismiss his unexhausted claims so that he may pursue his other remaining claims. (ECF No. 84). No opposition having been filed by respondents and the time for doing so having expired, the petitioner's motion to dismiss (ECF No. 84) is GRANTED.

IT IS THEREFORE ORDERED that the stay of this action is lifted and this action is hereby REOPENED.

IT IS FURTHER ORDERED that Claims 14, 15, 16 and 18 are DISMISSED WITHOUT PREJUDICE as unexhausted and by petitioner's request.

IT IS FURTHER ORDERED that respondents shall have sixty days to answer the remaining claims of the petition in this case.

IT IS FURTHER ORDERED that petitioner shall have thirty days following service of the answer to file and serve a reply brief.

IT IS FURTHER ORDERED that in the answer, respondents shall specifically cite to and address the applicable state court written decision and state court record materials, if any, regarding each claim within the response as to that claim.

IT IS FURTHER ORDERED that any further state court record and related exhibits filed herein shall be filed with a separate index of exhibits identifying the exhibits by number. The CM/ECF attachments that are filed further shall be identified by the number or numbers of the exhibits in the attachment. If the exhibits filed will span more than one ECF Number in the record, the first document under each successive ECF Number shall be either another copy of the index, a volume cover page, or some other document serving as a filler, so that each exhibit under the ECF Number thereafter will be listed under an attachment number (i.e., Attachment 1, 2, etc.).

IT IS FURTHER ORDERED that the hard copy of any exhibits filed by either counsel shall be delivered -- for this case -- to the Las Vegas Clerk's Office.

IT IS SO ORDERED.

DATED THIS <u>5</u> day of <u>June</u> 2019.

GLORIA NAVARRO UNITED STATES DISTRICT JUDGE