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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

STEPHEN LEE CHOATE,

Petitioner,

v.

NEVADA ATTORNEY GENERAL, et al.,

Respondents.

Case No. 2:16-cv-00813-RFB-GWF

ORDER

On June 26, 2018, the Court entered an order dismissing the petition in this case as it failed to comply with the Court's orders. A day later, the Court received an amended petition from petitioner which complied with its orders. The Court accordingly vacated its prior order and judgment dismissing the case and stayed this action so that petitioner could exhaust his state court remedies. (ECF No. 98).

On July 5, 2018, the Court received from petitioner an emergency motion for reconsideration of its order dismissing his case (ECF No. 100) and a motion for reconsideration of the Court's prior order denying petitioner's motion for appointment of counsel (ECF No. 99). In light of the Court's order vacating its dismissal of this action, the emergency motion for reconsideration of the dismissal order (ECF No. 100) is DENIED AS MOOT.

As to petitioner's motion for reconsideration on the appointment of counsel (ECF No. 99), that motion is also DENIED. This action is currently stayed and the claims presented in the petition being held in abeyance while the petitioner exhausts his state court remedies. There is no basis for appointment of counsel at this juncture.

Finally, petitioner's alternative request that the Court order Southern Desert Correctional Center to stop seizing his legal files is not a claim that is cognizable in

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habeas. He may seek remedy in another case with an appropriate claim. Accordingly, petitioner's alternative request is also DENIED.

IT IS SO ORDERED.

DATED: July 10, 2018.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE