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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
6

7 James William Keck,

8 Petitioner

9 v.

10 Brian Williams, et al.,

11 Respondents

Case No.: 2:16-cv-02984-JAD-BNW

**Order Dismissing Ground 4
of the Petition; Directing
Respondents to File an Answer**

12 Petitioner James William Keck challenges his 2012 state court conviction after a guilty
13 plea to attempt murder with use of a deadly weapon, battery with use of a deadly weapon
14 resulting in substantial bodily harm, assault with a deadly weapon, and burglary while in
15 possession of a firearm. I have found Ground 4 of the petition unexhausted and the petition
16 therefore mixed, containing both unexhausted and exhausted claims. Petitioner advises, through
17 counsel, that he wishes to abandon Ground 4 and proceed on his exhausted claims.¹

18 IT IS THEREFORE ORDERED that Ground 4 of the petition is hereby DISMISSED
19 WITHOUT PREJUDICE.

20 IT IS FURTHER ORDERED that respondents must file an answer to the remaining
21 claims of the petition by August 2, 2019. Petitioner will have thirty days after that to file a reply.

22 Dated: June 4, 2019

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27 U.S. District Judge Jennifer A. Dorsey

28 ¹ ECF No. 24.