

UNITED STATES DISTRICT COURT**DISTRICT OF NEVADA**

OSCAR PEREZ-MARQUEZ,

Case No. 2:17-cv-01501-RFB-BNW

Petitioner,

ORDER

v.

JO GENTRY, et al.,

Respondents.

This habeas matter is before the Court on Petitioner Oscar Perez-Marquez's motion to stay and abey proceedings. (ECF No. 115.) Respondents have filed a non-opposition to Perez-Marquez's motion and a motion to stay the briefing on the motion to dismiss. (ECF Nos. 116, 117.) Perez-Marquez wishes to return to state court to exhaust his petition. (See ECF No. 115 at 1.) The court finds good cause to stay this action until the state-court proceedings conclude.

IT IS THEREFORE ORDERED that petitioner's unopposed motion to stay case and hold in abeyance (ECF No. 115) is GRANTED.

IT IS FURTHER ORDERED that this action is STAYED pending exhaustion of the unexhausted claims. Petitioner shall return to this court with a motion to reopen within 45 days of issuance of the remittitur by the Nevada Supreme Court at the conclusion of the state court proceedings. Further, petitioner or respondents otherwise may move to reopen the action and seek any relief appropriate under the circumstances.

IT IS FURTHER ORDERED that Respondents' motion to dismiss (ECF No. 112) is DENIED without prejudice with leave to renew upon the reopening of these proceedings.

IT IS FURTHER ORDERED that the motion to stay the briefing on the motion to dismiss (ECF No. 116) is DENIED as moot.

1 **IT IS FURTHER ORDERED** that the clerk of court shall administratively close this
2 action until such time as the court grants a motion to reopen the action.

3 Dated: May 9, 2022.

A handwritten signature in black ink, appearing to be 'RFB', written over a horizontal line.

RICHARD F. BOULWARE, II
UNITED STATES DISTRICT COURT