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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

THOMAS HARSH,

Petitioner,

Case No. 2:17-cv-02069-MMD-NJK

v.

ORDER

JO GENTRY, *et al.*,

Respondents.

On February 26, 2019, the Court found the petition in this action contains one unexhausted claim—Ground 2—alongside several exhausted claims. (ECF No. 44.) The Court directed Petitioner to either (1) file a motion to dismiss the unexhausted claim; (2) file a motion to dismiss the entire mixed petition without prejudice; or (3) file a motion for other appropriate relief, including a motion to stay and abey. Petitioner has responded by moving to dismiss only Ground 2, his unexhausted claim.

It is therefore ordered that Petitioner's motion for partial dismissal of only Ground 2 (ECF No. 46) is granted, and Ground 2 is hereby dismissed.

It is further ordered that Respondents file an answer to the surviving claims of the petition within 60 days of the date of entry of this order.

It is further ordered that Petitioner will have 30 days from service of the answer to file a reply.

DATED THIS 4th day of April 2019.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE