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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Ubaldo Saldana-Garcia,

Petitioner,

v.

Brian E Williams Sr., et al.,

Respondents.

Case No. 2:19-cv-00441-APG-BNW

**Order Denying Petitioner's Motion to
Reopen the Case Without Prejudice**

(ECF No. 68)

This habeas matter is before me on Petitioner Ubaldo Saldana-Garcia's Motion to Reopen the Case ("Motion" (ECF No. 68)). The respondents filed a non-opposition to the motion. ECF No. 69.

On January 17, 2024, I administratively closed this action while Petitioner exhausted Grounds I, II, IV, V, VI, VII, VIII, and IX of the Amended Petition. ECF No. 66. Petitioner has completed his state court proceedings and now moves to reopen these federal habeas proceedings and includes a request to allow him to file a second-amended petition. ECF No. 68.

In my prior order granting Petitioner's Motion to Stay the Case pending exhaustion of the claims contained in his Amended Petition, I ordered that:

[W]ith any motion to reopen filed following completion of all state court proceedings pursued, the petitioner: (a) shall attach supplemental exhibits containing the new state court pleadings and the state court written decisions thereon; and (b) if the petitioner intends to amend the federal petition, he shall file a motion for leave to amend along with the proposed amended petition or a motion for extension of time to move for leave.

ECF No. 66 at 5.

Petitioner's motion fails to comply with my prior order as he neither attached as supplemental exhibits the new state court pleadings and state court written decision thereon nor filed a motion for leave to amend along with the proposed amended petition or a motion for extension of time to move for leave. Because Petitioner's motion and request for a scheduling order fail to comply with my prior order, I deny without prejudice the motion to reopen the case.

1 I THEREFORE ORDER that Petitioner Ubaldo Saldana-Garcia's Motion to Reopen
2 the Case ("Motion" (ECF No. 68)), including his request for leave to file a second-amended
3 petition, is denied without prejudice.

4 Dated: March 7, 2025



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6 ANDREW P. GORDON
7 CHIEF UNITED STATES DISTRICT JUDGE
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