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6   **UNITED STATES DISTRICT COURT**

7   **DISTRICT OF NEVADA**

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9 RONNIE G. MILLIGAN,   )
)

10   Petitioner,   )   3:03-cv-0097-JCM-VPC
)

11 vs.   )
)   **ORDER**

12 E.K. McDANIEL, *et al.*,   )
)

13   Respondents.   )
)

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16   This action is a petition for a writ of habeas corpus by Ronnie G. Milligan, a Nevada prisoner

17 who was under sentence of death when the action was initiated on February 20, 2003. On April 13,

18 2007, after the court granted leave for petitioner to conduct certain discovery, and after that

19 discovery was apparently completed, petitioner filed an amended habeas petition. Then, on August

20 31, 2007, upon a motion by petitioner, the court stayed this action so that petitioner could complete

21 post-conviction litigation that he had commenced in state court. The case has remained stayed since

22 then, while the state-court litigation has proceeded.

23   On December 13, 2010, petitioner filed a motion to dismiss this action with prejudice (docket

24 #84). That motion for voluntary dismissal is supported by a declaration of petitioner's counsel and a

25 declaration of Milligan.

26   Petitioner's counsel states in his declaration that, in state court, Milligan's death sentence was

1 vacated, and, at a resentencing, consistent with an agreement between petitioner and respondents,

2 petitioner was sentenced to life in prison with the possibility of parole.

3   In light of petitioner's resentencing, and pursuant to the agreement between petitioner and

4 respondents, petitioner now requests that this case be dismissed.

5   Milligan's declaration indicates that he understands the circumstances, and he states that he

6 agrees to the dismissal of this action.

7   The court will, therefore, dismiss this action with prejudice.

8   **IT IS THEREFORE ORDERED** that this action is **DISMISSED WITH PREJUDICE**.

9   **IT IS FURTHER ORDERED** that the clerk shall **ENTER JUDGMENT**

10 **ACCORDINGLY**.

11   Dated this 21st day of December, 2010.

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    UNITED STATES DISTRICT JUDGE

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