

AO 450 (Rev. 5/85) Judgment in a Civil Case ⊕

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## UNITED STATES DISTRICT COURT

\*\*\*\*\* DISTRICT OF NEVADA

MAYFIELD ALLEN KIPER,

Petitioner,

V.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 3:06-CV-446-ECR (VPC)

NEVADA BOARD OF PAROLE  
COMMISSIONERS, et al.,

Respondents.

- \_\_\_ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- \_\_\_ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.
- x  **Decision by Court.** This action came to be considered before the Court. The issues have been considered and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED** that the petition for writ of habeas corpus (#5) is DISMISSED WITHOUT PREJUDICE as the petition is a "mixed" petition containing both exhausted and unexhausted grounds for relief and petitioner refuses to either abandon the unexhausted grounds or move for a stay to return to state court to exhaust the grounds. IT IS FURTHER ORDERED that petitioner is DENIED a certificate of appealability.

August 6, 2009

LANCE S. WILSON  
Clerk

Marti Campbell  
Deputy Clerk