

1  
2  
3  
4  
5  
6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
8

9 RONALD O'NEAL CALVIN,

10 Petitioner,

11 vs.

12 E. K. MCDANIELS, et al.,

13 Respondents.  
14

Case No. 3:08-CV-00033-LRH-(RAM)

**ORDER**

15 In response to the Court's Order (#40) directing Petitioner to decide what to do with his  
16 unexhausted grounds, Petitioner has filed a Motion to Answer Order (#41), in which he asks to  
17 dismiss this action while he returns to state court. The Court grants his request.

18 Petitioner has submitted a Motion for the Appointment of Counsel (#42). This motion is  
19 moot because the Court is dismissing the action.

20 In the Court's previous Order (#40), it held that it would deny Petitioner's Motion for Stay  
21 and Abeyance (#38), but the Court did not enter an order to that effect. The Court corrects that  
22 omission here.

23 IT IS THEREFORE ORDERED that Petitioner's Motion for the Appointment of Counsel  
24 (#42) is **DENIED** as moot.

25 IT IS FURTHER ORDERED that Petitioner's Motion for Stay and Abeyance (#38) is  
26 **DENIED.**

27 ///

28 ///

1 IT IS FURTHER ORDERED that Petitioner's Motion to Answer Order (#41) is  
2 **GRANTED**. This action is **DISMISSED** without prejudice. The Clerk of the Court shall enter  
3 judgment accordingly.

4 DATED this 6<sup>th</sup> day of October, 2009.



---

LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE