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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROCKY NEIL BOICE, JR.,)	
Petitioner,)	3: 08-cv-00199-ECR-RAM
vs.)	
NSP, WARDEN BILL DONAT, <i>et al.</i> ,)	ORDER
Respondents.)	
_____	/	

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is represented by counsel. This case proceeds on the first amended petition filed December 19, 2008. (Docket #20.) On March 10, 2010, the court entered an order granting in part and denying in part respondents’ motion to dismiss. (Docket #65.) The court dismissed grounds 8, 9 and 10 for lack of exhaustion and dismissed grounds 1(b) and 3 as time barred. *Id.*

On April 9, 2010, petitioner filed a motion for partial dismissal of his petition. (Docket #66.) On April 16, 2010, petitioner filed a formal declaration of abandonment of grounds 8, 9 and 10. (Docket #67.)

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IT IS THEREFORE ORDERED that petitioner's motion for partial dismissal of unexhausted claims is **GRANTED**. (Docket #66.)

IT IS FURTHER ORDERED that this case shall go forward without grounds 8, 9 and 10, and grounds 1(b) and 3.

IT IS FURTHER ORDERED that respondents shall file an answer to the remaining grounds for relief within thirty (30) days of the date of entry of this order. Petitioner may file a reply thirty (30) days thereafter.

DATED this 26th day of July, 2010.



UNITED STATES DISTRICT JUDGE