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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAMES JEFFERSON KENNER,)
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 Petitioner,)
)
 vs.)
)
 JAMES BENEDETTI, *et al.*,)
)
 Respondents.)
)
 _____)
)

3: 08-cv-00489-ECR-RAM

ORDER

Petitioner, a state prisoner, is proceeding *pro se* in this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On November 8, 2010, the court entered an order, granting in part and denying in part respondents' motion to dismiss. (Docket #30.) In the order, the court gave petitioner options as to how he could proceed. (*Id.*)

On November 18, 2010, petitioner filed a motion to dismiss his unexhausted claims, stating that he wanted to abandon his unexhausted claims and proceed on part one of ground one only. (Docket #31.) On December 3, 2010, petitioner filed a notice of abandonment of his unexhausted claims. (Docket #32.)

IT IS THEREFORE ORDERED that petitioner's motion to dismiss his unexhausted claims is **GRANTED**. (Docket #31.) This case shall proceed on part one of ground one only, the

1 claim that trial counsel failed, without petitioner's consent, to file a notice of appeal after his
2 sentencing. All other claims are dismissed as abandoned.

3 **IT IS FURTHER ORDERED** that respondents shall file an answer to the remaining claim
4 in this action within twenty-eight (28) days of the date of entry of this order. Petitioner is granted
5 fourteen (14) days thereafter to file a reply.

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7 DATED this 6th day of December, 2010.

8 Edward C. Reed.

9 UNITED STATES DISTRICT JUDGE

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