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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MONTENEQUE NAKIA KNOX,  
Petitioner,  
vs.  
GREGORY SMITH, *et al.*,  
Respondents.

3:09-cv-0502-RCJ-RAM  
**ORDER**

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. By order filed September 18, 2009, this action was dismissed without prejudice for failure to exhaust state court remedies. (Docket #3). Judgment was entered on September 21, 2009. (Docket #5).

Recently, on April 2, 2010, petitioner submitted a request for submission and filed a copy of his habeas petition. (Docket #6 and #7). Petitioner is informed that this action is closed. No further documents shall be filed in this closed action. To the extent petitioner has exhausted state court remedies and wishes to bring a federal habeas petition, he may file a petition as a new action, but may not proceed in this closed action. Furthermore, the petition filed April 2, 2010, in this action, shall be stricken.

**IT IS THEREFORE ORDERED** that the Clerk of Court **SHALL SEND** petitioner a copy of the Court's order filed September 18, 2009 (Docket #3) and a copy of the judgment entered on September 21, 2009 (Docket #5).

Knox v. Smith et al

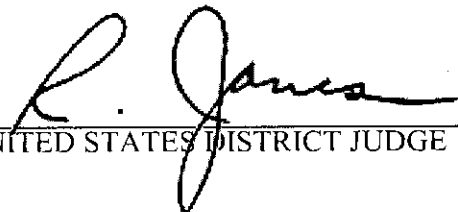
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**IT IS FURTHER ORDERED** that petitioner shall file no further documents in this closed action.

**IT IS FURTHER ORDERED** that, if petitioner has exhausted state court remedies and wishes to bring a federal habeas petition, he may file a petition as a new action, but may not proceed in this closed action.

**IT IS FURTHER ORDERED** that the habeas petition filed April 2, 2010 is **STRICKEN** from the record in this closed action.

DATED this 21<sup>st</sup> day of April, 2010.

  
UNITED STATES DISTRICT JUDGE