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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

CHARLES ANTHONY SUMMERS,

Petitioner,

Case No. 3:09-CV-000674-LRH-RAM

vs

ORDER

E.K. McDANIELS, *et al*,

Respondents. /

Before the Court is petitioner’s Motion to Abandon (docket #17) made in response to the Court’s order deciding the motion to dismiss. Petitioner advises the Court that he is abandoning the claim “under extreme duress” because he does not know what he is doing and because he believes he would get a fair review from the courts.

Despite petitioner’s qualifications to his abandonment, the Court will grant the motion and the respondents shall be directed to file their answer to the remaining claims.

**IT IS THEREFORE ORDERED** that Petitioner’s Motion to Abandon (docket #17) is **GRANTED**. Ground two of the amended petition is **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that respondents shall file their answer to the remaining grounds for relief in the amended petition within thirty days of entry of this Order. There after, petitioner shall have thirty days to reply.

Dated this 27th day of December, 2010.

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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE