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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DELL MARVIN ROBERTS,

Petitioner,

vs.

JIM BENEDETTI, *et al.*

Respondents.

3:09-cv-00685-ECR-VPC

ORDER

Petitioner has not responded to the order (#15) directing that he show cause why the petition is not subject to dismissal because the petition is wholly unexhausted. Petitioner has not done so or otherwise responded. On the face of the record, the petition is wholly unexhausted. #15, at 2-3. The order informed petitioner that the entire petition would be dismissed if he did not timely respond. #15, at 4, lines 3-4.

IT THEREFORE IS ORDERED that the petition shall be DISMISSED without prejudice and that a certificate of appealability is DENIED.

The Clerk of Court shall enter final judgment accordingly against petitioner and in favor of respondents, dismissing this action without prejudice.

DATED this 13th day of April 2011.



EDWARD C. REED
United States District Judge