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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

PETER M. BERGNA,  
Petitioner,

vs.

JAMES BENEDETTI, *et al.*,  
Respondents.

3:10-cv-00389-RCJ-WGC

ORDER

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding with representation of counsel. On September 21, 2012, the court issued an order granting in part and denying in part respondents' motion to dismiss. (ECF No. 40.) The court concluded that although several grounds were exhausted, ground 9 was unexhausted. (*Id.*) On October 24, 2012, petitioner filed a declaration abandoning ground 9. (ECF No. 42.)<sup>1</sup> Accordingly, the court sets a schedule for the filing of the answer and reply.

**IT IS THEREFORE ORDERED** that petitioner's motion for an extension of time (ECF No. 41) is **GRANTED**.

**IT IS FURTHER ORDERED** that petitioner's motion for partial dismissal (ECF No. 42) is **GRANTED**. Ground 9 is **HEREBY ABANDONED**.

**IT IS FURTHER ORDERED** that respondents shall have **forty-five (45) days** from the

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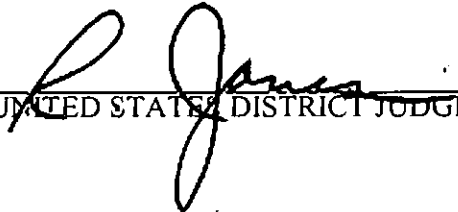
<sup>1</sup> Petitioner moves for an extension of time in which to respond to the court's September 21, 2012 order. (ECF No. 41.) The court grants the motion and considers petitioner's declaration timely filed.

1 date of entry of this order within which to answer the petition.

2 **IT IS FURTHER ORDERED** that petitioner shall have **forty-five (45) days** after service of  
3 the answer to file and serve a reply.

4 Dated, this 14th day of November, 2012.

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UNITED STATES DISTRICT JUDGE