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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

9 WILLIE SAMPSON,
10 Petitioner,
11 vs.
12 JACK PALMER, *et al*
13 Respondents.

Case No. 3:11-cv-00019-LRH-WGC

ORDER

15 This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a
16 Nevada state prisoner.

17 On June 13, 2016, the petition was conditionally granted. (ECF No. 105). Respondents
18 filed a notice of election to retry petitioner in the Eighth Judicial District Court for the State of
19 Nevada. (ECF No. 107). On November 3, 2016, this Court granted petitioner's motion for an
20 extension of time for the State to initiate retrial until May 10, 2017. (ECF No. 109). On March 9,
21 2017, petitioner filed another motion to continue the retrial. (ECF No. 110). On March 21, 2017,
22 respondents filed a notice of non-opposition to petitioner's motion. (ECF No. 111). Good cause
23 appearing petitioner's motion is granted as set forth below.

24 **IT IS THEREFORE ORDERED** that petitioner's motion to for an extension of time to
25 continue the State retrial (ECF No. 110) is **GRANTED**, consistent with the remaining provisions of
26 this order.

27 **IT IS FURTHER ORDERED** that the Court's order conditionally granting a writ of habeas
28 corpus (ECF No. 105) is **MODIFIED** such that petitioner shall be released from custody pursuant

1 to the conditional writ grant unless the State initiates retrial in the state district court by **August 8,**
2 **2017**, subject to reasonable modification of the foregoing deadline by the parties.

3 **IT IS FURTHER ORDERED** that nothing herein constitutes or is intended to constitute a
4 purported direction by this Court to the Eighth Judicial District Court for the State of Nevada to
5 continue any calendar call, trial, or other proceeding in that court. This order merely modifies this
6 Court's own order to extend the time allowed under the conditional grant of a writ of habeas corpus
7 within which to commence a retrial of petitioner. The matter of whether a particular calendar call,
8 trial, or other proceeding in the state district court should be continued is a matter that is exclusively
9 within the province of that court. Accordingly, following upon this Court's extension of the period
10 for retrial under its own prior order, petitioner must present any requests for relief as to specific state
11 court settings to the state district court.

12 **IT IS FURTHER ORDERED** that nothing herein suggests by implication that the federal
13 Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*, is applicable to the state court retrial.

14 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL SEND** a copy of this order
15 to the following: Honorable Michelle Leavitt, District Judge; the Clerk of the Eighth Judicial
16 District Court for the State of Nevada; and the Clark County District Attorney, in connection with
17 Case No. C-182432.

18 DATED this 24th day of March, 2017.

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22 LARRY R. HICKS
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UNITED STATES DISTRICT JUDGE