UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PETER J. MUNOZ, JR.,

Petitioner,

vs.

GREGORY SMITH, et al.,

Respondents.

Case No. 3:11-CV-00197-LRH-(RAM)

ORDER

The court dismissed this action because it was untimely. Order (#11). Petitioner has submitted a motion to reinstate criminal appeal (#13), which the court construes as a motion pursuant to Rule 59 of the Federal Rules of Civil Procedure. Most of the motion is an attempt to relitigate the issue of timeliness, and those arguments are better raised on appeal. The court noted that when petitioner was informed on September 9, 2010, of the decision of the Nevada Supreme Court affirming the denial of his state habeas corpus petition, he still had 74 days left to file a timely federal habeas corpus petition, but that he waited 6 months to file that petition. Order, p. 2 (#11). Petitioner now notes for the first time in any document that he did not receive a letter from his attorney, informing him of the conclusion of representation, and a copy of the Nevada Supreme Court's decision, until November 30, 2010. This does not change the court's conclusion. Petitioner still waited more than 3 months before he filed the federal petition, and he did not act diligently.

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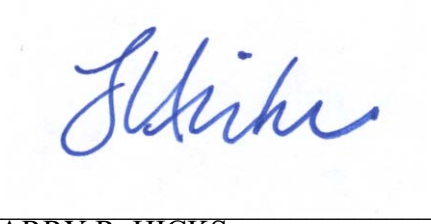
IT IS THEREFORE ORDERED that petitioner's motion to reinstate criminal appeal (#13) is **DENIED**.

DATED this 21st day of November, 2011.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE