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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL JAMES BETTS,
) Petitioner,
) vs.
RENEE BAKER, *et al.*,
) Respondents.
_____)

3:11-cv-00422-LRH-WGC
ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. This Court received the petition on June 15, 2011. (ECF No. 1). By order filed June 21, 2011, the Court granted petitioner’s *in forma pauperis* application, denied petitioner’s request for the appointment of counsel, and directed respondents to file a response to the petition. (ECF No. 3). On August 5, 2011, respondents filed an answer to the petition. (ECF No. 9).

In the meantime, on July 1, 2011, petitioner filed a notice of appeal as to this Court’s June 21, 2011 order. (ECF No. 7). Petitioner also filed a motion for a stay pending his appeal at the Ninth Circuit. (ECF No. 10). On October 18, 2011, the United States Court of Appeals for the Ninth Circuit dismissed petitioner’s appeal for lack of jurisdiction. (ECF No. 14). The Court of Appeals’ mandate issued on November 9, 2011. (ECF No. 15). Petitioner’s motion for a stay is denied. Further, this Court rejects petitioner’s contention that the answer was filed prematurely. Respondents properly filed an answer in compliance with this Court’s order of June 21, 2011.

IT IS THEREFORE ORDERED that petitioner’s motion for a stay (ECF No. 10) is **DENIED.**

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IT IS FURTHER ORDERED that petitioner's reply to the answer, if any, shall be filed within **thirty (30) days** of the entry of this order.

Dated this 2nd day of December, 2011.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE