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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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JUAN VEGA,

Case No. 3:13-cv-00313-MMD-VPC

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Petitioner,

ORDER

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v.

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WARDEN LEGRAND, et al.,

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Respondents.

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Petitioner has not responded to the Court's show-cause order (dkt. no. 5). The order directed petitioner to show cause in writing why the petition should not be dismissed without prejudice for lack of exhaustion. The order set forth the relevant procedural background, the governing law, and the application of the law to the record presented. The order informed petitioner that if he did not timely respond to the order, the petition would be dismissed without further advance notice.

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It is therefore ordered that this action shall be dismissed without prejudice for lack of exhaustion.

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It is further ordered that petitioner's motion for appointment of counsel (dkt. no. 7) that was submitted originally with the petition is denied as moot.

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The Clerk of Court shall enter final judgment, dismissing this action without prejudice.

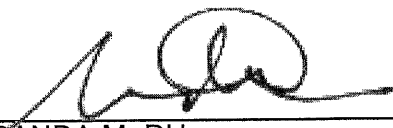
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DATED THIS 11th day of February 2014.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE