

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ROBERT ROMANO,

Petitioner,

v.

LeGRANDE, et al.,

Respondents.

Case No. 3:14-cv-00187-MMD-WGC

ORDER

Following upon petitioner's declaration (ECF No. 33) of election to abandon claims in this habeas matter, it is ordered that the following claims are dismissed without prejudice for lack of exhaustion:

- (a) the claims in Ground 1 based upon the Confrontation Clause and the Equal Protection Clause and all claims in Ground 1 based on a denial of notice of expert witness with regard to Officer Norris' testimony;
- (b) all claims in Ground 2 based upon the Equal Protection Clause;
- (c) all remaining claims in Ground 6 over and above the claim dismissed as redundant;
- (d) all claims in Ground 7 except for the claim that petitioner was denied a right to due process when Inspector Sheldon allegedly testified as an expert on the temperature of bodily fluids without prior notice;
- (e) all remaining claims in Ground 8 over and above the claim dismissed as redundant;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- (f) all claims in Ground 11 based upon the Equal Protection Clause; and
- (g) Grounds 12, 13 and 15 in their entirety.

It further is ordered that respondents must file an answer to the remaining claims in the petition, as amended, within forty-five (45) days of entry of this order. Petitioner may file a reply within forty-five (45) days of service of the answer.

It further is ordered that, given the age of the case, any extensions of time sought based on scheduling conflicts between this case and other cases in this Court should be sought in the earlier-filed case, absent extraordinary circumstances. The Court will be endeavoring to resolve this case, if possible, prior to September 30, 2017.

DATED THIS 14th day of November 2016.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE