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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

RODGER EINSTEIN HAYWARD,

*Petitioner,*

vs.

WARDEN LEGRAND, *et al.*,

*Respondents.*

3:14-cv-00246-RCJ-VPC

ORDER

Petitioner neither has filed an amended petition nor responded to the show-cause order within the time allowed. The prior order dismissed the petition without prejudice with leave to amend, and the order further directed petitioner to show cause why the action was not subject to dismissal as untimely and for lack of exhaustion. The order informed petitioner that if he did not timely respond to the order, final judgment would be entered without further advance notice dismissing the action.

IT THEREFORE IS ORDERED that this action shall be DISMISSED without prejudice.

IT FURTHER IS ORDERED that petitioner's motion (#5) for appointment of counsel is DENIED as moot. See also #3, at 8 n.2 (interim finding declining to appoint counsel).

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

DATED: July 29, 2014.

  
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ROBERT C. JONES  
United States District Judge