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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MATTHEW KRIEGER,

Case No. 3:15-cv-00003-HDM-VPC

Petitioner,

ORDER

v.

MR. BACA, et al.,

Respondents.

This is a *pro se* habeas matter under 28 U.S.C. § 2254 filed by petitioner Matthew Krieger. On August 8, 2016, this court granted respondents' motion to dismiss the petition (ECF No. 20). The court determined that two grounds were unexhausted and dismissed the remaining grounds. The court directed Krieger, within thirty days, to either: (1) inform this court in a sworn declaration that he wished to dismiss this petition without prejudice in order to return to state court to exhaust his unexhausted claims; OR (2) file a motion for a stay and abeyance, asking this court to hold his federal petition in abeyance while he returns to state court to exhaust his unexhausted claims. *Id.* at 6. Krieger was expressly advised that the case would be subject to dismissal if he failed to respond to the court's order. *Id.*

The order was served on Krieger via U.S. mail at his address of record (see ECF No. 20). More than the allotted time has passed, and Krieger has failed to respond to the court's order in any way.¹ Accordingly, this habeas action is dismissed.

¹ The court notes that Krieger also failed to oppose respondents' motion to dismiss or respond to the motion in any manner.

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IT IS THEREFORE ORDERED that this habeas action is **DISMISSED** as set forth in this order.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**, as jurists of reason would not find the court's dismissal of this improperly commenced action without prejudice to be debatable or incorrect.

IT IS FURTHER ORDERED that the Clerk shall enter judgment accordingly and close this case.

DATED: June 2nd, 2017.



HOWARD D. MCKIBBEN
UNITED STATES DISTRICT JUDGE