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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RICHARD W. MARTIN,

Petitioner,

v.

ISIDRO BACA, et al.,

Respondents.

Case No. 3:15-cv-00036-RCJ-WGC

ORDER

On August 23, 2016, this court granted in part respondents' motion to dismiss petitioner Richard W. Martin's *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2254 (ECF No. 42). Pursuant to this court's order, Martin had thirty (30) days to either: (1) inform this court in a sworn declaration that he wished to formally and forever abandon the unexhausted grounds for relief in his federal habeas petition and proceed on the exhausted grounds; OR (2) 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 (3) file a motion for a stay and abeyance, asking this court to hold his exhausted claims in abeyance while he returned to state court to exhaust his unexhausted claims. *Id.* The court expressly stated in that order that failure to respond to the order may result in the dismissal of this action. *Id.*

The order was served on Martin via the U.S. Postal Service at his address of record, but was returned as undeliverable (*see* ECF Nos. 39, 43). Far more than the allotted time has passed, and Martin has not updated his address or responded to the court's order with respect to the motion to dismiss. Accordingly, this habeas petition is

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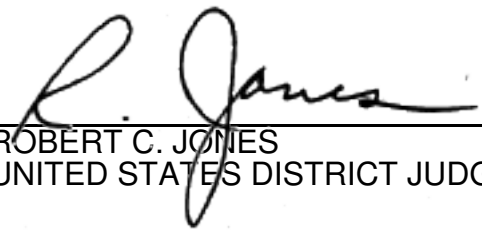
dismissed for petitioner's failure to update his address and for his failure to respond to the court's order dated August 23, 2016.

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

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

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

DATED: This 22nd day of May, 2017.


ROBERT C. JONES
UNITED STATES DISTRICT JUDGE