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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ESAU DOZIER,

v.
STATE OF NEVADA, et al.,

Petitioner,

Respondents.

Case No. 3:15-cv-00043-RCJ-WGC
ORDER

This counseled § 2254 habeas petition is before the court on Esau Dozier's counseled motion to stay the petition (ECF No. 33). Dozier points out that he has filed a FRCP 60(b)(6) motion for relief from judgment in his earlier-filed petition in case no. 2:08-cv-00489-KJD-GWF. In that case, Dozier is arguing that respondents, whether inadvertently or not, misled the court, which resulted in the improper dismissal of that petition as time-barred. Here, Dozier seeks a stay of these proceedings pending the resolution of the proceedings in the first-filed petition. Good cause appearing, Dozier's motion shall be granted.

IT IS THEREFORE ORDERED that petitioner's motion for stay and abeyance (ECF No. 33) is **GRANTED**.

IT IS FURTHER ORDERED that this action is **STAYED** pending final resolution of petitioner's federal habeas petition in case no. 2:08-cv-000489-KJD-GWF.

IT IS FURTHER ORDERED that respondents' motion to dismiss (ECF No. 29) is **DISMISSED** without prejudice.

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IT IS FURTHER ORDERED that respondents' motion for extension of time to respond to the motion to stay (ECF No. 37) is **GRANTED** *nunc pro tunc*.

IT IS FURTHER ORDERED that the Clerk **SHALL ADMINISTRATIVELY CLOSE** this action, until such time as the court grants a motion to reopen the matter.

DATED: ²³~~14~~ August 2017.



ROBERT C. JONES
UNITED STATES DISTRICT JUDGE