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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

BRET HENRY KELLER,

Petitioner,

Case No. 3:15-cv-00563-MMD-VPC

v.

ORDER

ISIDRO BACA, et al.,

Respondents.

This is a pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 initiated by a Nevada state prisoner.

On February 13, 2018, the Court entered an order finding that Ground 1 and part of Ground 2 of the Petition were unexhausted. (ECF No. 41.) Petitioner has elected to dismiss his unexhausted claims and proceed on his exhausted claims. (ECF No. 59).

Accordingly, it is therefore ordered that Ground 1 is dismissed in its entirety and Ground 2 is dismissed the extent it asserts that attorney Edwards was ineffective for failing to object to Petitioner's sentence as constitutionally disproportionate and for failing to argue on appeal that the plea was involuntary.

It is further ordered that within forty-five days of the date of this order Respondents must file an answer addressing all remaining claims in the Petition on the merits.

It is further ordered that Petitioner will have forty-five days from service of the answer within which to file a reply.

DATED THIS 23<sup>rd</sup> day of October 2018.



MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE