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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 CHARLES EUBANKS,

Case No. 3:16-cv-00336-MMD-WGC

10 Petitioner,

ORDER

11 v.

12 RENEE BAKER, *et al.*,

13 Respondents.
14

15 On February 7, 2018, Respondents filed a motion to dismiss the habeas petition
16 in this case, claiming, among other things, that several claims in the Petition are
17 unexhausted. (ECF No. 45.) In response, Petitioner filed a motion for stay and abeyance,
18 conceding that the Petition contains unexhausted claims and notifying the Court that he
19 initiated a state proceeding on November 3, 2017, for the purpose of presenting his
20 unexhausted claims to the state courts. (ECF No. 48.)

21 Without conceding that Petitioner meets the requirements for stay and abeyance,
22 Respondents “agree that this Court’s interests in judicial economy, and state interests in
23 comity, would be best served by allowing the state courts to have the first opportunity to
24 address Eubanks’s unexhausted claims for relief.” (ECF No. 50). *See Rhines v. Weber*,
25 544 U.S. 269, 277 (2005) (outlining requirements for stay and abeyance in habeas
26 cases).

27 This Court has the inherent power to control its docket and the disposition of its
28 cases with economy of time and effort for both the Court and the parties. *See Ferdik v.*

1 *Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992). Under the circumstances present here,
2 the Court will exercise its discretion to grant a stay.

3 It is therefore ordered that Petitioner's motion for stay and abeyance (ECF No. 48)
4 is granted. This action is stayed pending exhaustion of Petitioner's unexhausted claims.

5 It is further ordered that the grant of a stay is conditioned upon Petitioner returning
6 to this Court with a motion to reopen within forty-five (45) days of issuance of the remittitur
7 by the Supreme Court of Nevada at the conclusion of the state court proceedings.

8 It is further ordered that Respondents' motion to dismiss (ECF No. 45) is denied
9 without prejudice.

10 It is further ordered that all pending motions for extension of time (ECF Nos. 44,
11 46, and 49) are granted *nunc pro tunc* as of their respective filing dates.

12 It is further ordered that the Clerk administratively close this action, until such time
13 as the Court grants a motion to reopen the matter.

14 DATED THIS 28th day of August 2018.

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17 MIRANDA M. DU
18 UNITED STATES DISTRICT JUDGE
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