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28UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JAMIE ROSASCHI,

Case No. 3:16-cv-00442-MMD-VPC

Petitioner,

ORDER

v.

HAROLD WICKHAM, *et al.*,

Respondents.

Before the Court are petitioner Jamie Rosaschi's motion to stay proceedings pending decisions in related cases (ECF No. 13), respondents' opposition (ECF No. 14), and petitioner's reply (ECF No. 15).

Petitioner has two habeas corpus actions under 28 U.S.C. § 2254 pending in this court: this action and 3:16-cv-00443-MMD-WGC. The Federal Public Defender represents Rosaschi in both cases. This Court previously granted petitioner's motion to stay the other case pending the conclusion of his state-court litigation regarding how the Nevada Department of Corrections has structured his sentences. As this Court stated in granting the stay in case no. 443, if petitioner does not receive relief in state court he might want to present the sentence structure claim to this Court. Accordingly, in the interest of avoiding piecemeal litigation, the Court will stay this action as well.

It is therefore ordered that petitioner's motion to stay proceedings (ECF No. 13) is granted. This action is stayed pending conclusion of petitioner's postconviction proceedings in the state courts. Petitioner must return to this Court with a motion to reopen within forty-five (45) days of issuance of the remittitur by the Nevada Supreme

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Court at the conclusion of the state court proceedings. Further, petitioner or respondents otherwise may move to reopen the action and seek any relief appropriate under the circumstances.

It is further ordered that the Clerk of Court shall administratively close this action until such time as the Court grants a motion to reopen the action.

DATED THIS 12th day of April 2018.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE