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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JAMIE ROSASCHI,

Petitioner,

v.

HAROLD WICKHAM, et al.,

Respondents.

Case No. 3:16-cv-00443-MMD-WGC

ORDER

Petitioner has filed an unopposed motion for extension of time to file motion to reopen (ECF No. 23) and a motion to voluntarily dismiss petition for writ of habeas corpus (ECF No. 24). Respondents have not responded to the latter motion, and the Court assumes that Respondents do not oppose it. LR 7-2(d). The Court will grant Petitioner's motions. The dismissal will be without prejudice. See Fed. R. Civ. P. 41(a)(1)(B) and 41(a)(2). However, the Court makes no statement about the applicability of any procedural defenses if Petitioner files another habeas corpus petition that challenges his custody under the same judgment of conviction.

It is therefore ordered that Petitioner's unopposed motion for extension of time to file motion to reopen (ECF No. 23) is granted.

It is further ordered that the Clerk of the Court reopen this case and lift the stay.

It is further ordered that Petitioner's motion to voluntarily dismiss petition for writ of habeas corpus (ECF No. 24) is granted. This action is dismissed without prejudice. The Clerk of the Court is instructed to enter judgment accordingly and close this action.

DATED THIS 18th day of June 2019.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE