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## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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TRAVIS BOWLES,

Petitioner,

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ISIDRO BACA, et al.,

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Respondents.

Case No. 3:18-cv-00272-MMD-WGC

ORDER

This pro se habeas matter comes before the Court on Petitioner Travis Bowles' Motion to Dismiss Unexhausted Claims Without Prejudice (ECF No. 25).

On May 16, 2019, the Court found the petition in this action to be mixed, containing both exhausted and unexhausted claims. (ECF No. 20.) The Court informed Petitioner of his three options: (1) file a motion to dismiss seeking partial dismissal of only the unexhausted claims; (2) file a motion to dismiss the entire petition without prejudice in order to return to state court to exhaust the unexhausted claims; and/or (3) file a motion for other appropriate relief, such as a motion for a stay and abeyance asking this Court to hold his exhausted claims in abeyance while he returns to state court to exhaust the unexhausted claims. (Id.)

On July 16, 2019, Petitioner elected to dismiss his unexhausted claims without prejudice. No opposition having been filed by Respondents and the time for doing so having expired, Petitioner's motion to dismiss (ECF No. 25) is granted.

It is therefore ordered that Grounds 4, in part, 7(2), 7(3), 7(4), 7(5), 8 and 9 are dismissed without prejudice as unexhausted and by Petitioner's request.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup>As explained in the May 16, 2019 order, this Court previously dismissed with prejudice: (i) Ground 4, in part, to the extent it asserts a substantive constitutional asapplied claim as procedurally defaulted; and (ii) Grounds 5, 6 and 8 to the extent they assert claims based on errors in the state postconviction process. (ECF No. 20 at 6.)

It is further ordered that Respondents will have 60 days to answer the remaining claims of the petition in this case.

It is further ordered that Petitioner will have 30 days following service of the answer to file and serve a reply brief.

It is further ordered that in the answer, Respondents must specifically cite to and address the applicable state court written decision and state court record materials, if any, regarding each claim within the response as to that claim.

It is further ordered that any additional state court record and related exhibits must be filed in accordance with LR IA 10-3 and LR IC 2-2 and include a separate index identifying each additional exhibit by number or letter. The index must be filed in CM/ECF's document upload screen as the base document to receive the base docket number (e.g., ECF No. 10). Each exhibit will then be filed as "attachments" to the base document—the index—to receive a sequenced sub-docket number (e.g., Exhibit A (ECF No. 10-1), Exhibit B (ECF No. 10-2), Exhibit C (ECF No. 10-3), and so forth). If the exhibits will span more than one filing, the base document in each successive filing must be either a copy of the index or volume cover page. See LR IC 2-2(a)(3)(A).

It is further ordered that a paper copy of any exhibits over 50 pages—for this case—must be appropriately bound, tabbed, and delivered to the Las Vegas Clerk's Office. See LR IA 10-3(i); LR IC 2-2(g). Courtesy copies must be addressed to the attention of "Staff Attorney" on the mailing address label.

MIRANDA M. DU

UNITED STATES DISTRICT JUDGE

DATED THIS 12th day of August 2019.