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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

BLAKE L. ANDERSON,

Petitioner,

v.

WARDEN BRIAN WILLIAMS, *et al.*,

Respondents.

Case No. 3:19-cv-00139-MMD-CBC

ORDER

The Court directed Petitioner to show cause why this action should not be dismissed for lack of exhaustion because his direct appeal from his state-court judgment of conviction was pending (ECF No. 8). *See Sherwood v. Tomkins*, 716 F.2d 632, 634 (9th Cir. 1983). Petitioner has not filed a response to the Court's order within the allotted time. The Court's review of the on-line docket of the Nevada Supreme Court shows that his direct appeal still is pending. *Anderson v. State*, No. 75776.¹ The Court will therefore dismiss this action. Petitioner's request for leave to file memorandum of points and authorities (ECF No. 10) is therefore moot. Further, because the Court finds that Reasonable jurists would not find the Court's decision to be debatable or wrong, the Court will not issue a certificate of appealability.

It is therefore ordered that Petitioner's request for leave to file memorandum of points and authorities (ECF No. 10) is denied as moot.

It is further ordered that this action is dismissed without prejudice for Petitioner's failure to exhaust his state-court remedies.

The Clerk of the Court is directed to enter judgment accordingly and close this action.

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¹<http://caseinfo.nvsupremecourt.us/public/caseView.do?csIID=46014> (report generated November 5, 2019).

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It is further ordered that a certificate of appealability will not issue.

DATED THIS 6th day of November 2019.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE