

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Greg Schillinger

v.

Civil No. 12-cv-423-JL

Warden, Northern New Hampshire
Correctional Facility

O R D E R

Before the court is petitioner Greg Schillinger's amended § 2254 petition (doc. no. 60), filed by counsel on petitioner's behalf, which includes a request that all unexhausted claims be deleted from this action. The matter is here for preliminary review to determine whether the claims raised are facially valid and may proceed. See Rule 4 of the Rules Governing Section 2254 cases in the United States District Courts ("§ 2254 Rules").

The amended petition (doc. no. 60), including only Claims 1-3 identified therein, is the operative pleading in this case. The record before the court indicates that those three claims are exhausted, and that Schillinger is in custody on the conviction at issue. Schillinger, through counsel, has stated his intent to forego seeking federal habeas relief on all other, unexhausted claims, previously asserted in this action, and requests leave to drop those claims from this case. The court grants the request

to delete the unexhausted claims. Accordingly, the petition, as amended, may be served.

The court directs the clerk's office to serve the respondent as provided in the Agreement on Acceptance of Service. The clerk's office shall serve the New Hampshire Office of the Attorney General electronic copies of the amended petition (doc. no. 60) and this order.

The respondent shall answer or otherwise plead within thirty (30) days of the date of this Order. The answer shall comply with the requirements of § 2254 Rule 5.

SO ORDERED.



Joseph Laplante
United States District Judge

Dated: February 3, 2014

cc: Jeffrey S. Levin, Esq.