

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

GENE GILBERT ELLIS,

Petitioner,

v.

No. 2:18-cv-00012-JCH-KRS

ATTORNEY GENERAL STATE OF  
NEW MEXICO, and RAYMOND SMITH,  
Warden, Lea County Correctional Facility,


Respondents.

**ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDED  
DISPOSITION, DENYING MOTION TO WITHDRAW AND STAY PETITION, AND  
GRANTING MOTION FOR AN EXTENSION OF TIME**

**THIS MATTER** comes before the Court on Magistrate Judge Kevin R. Sweazea's proposed findings and recommended disposition ("PFRD") filed July 30, 2019. (Doc. 32). In the PFRD, Judge Sweazea recommends that the Court deny Petitioner's motion to withdraw and stay his petition, but allow Petitioner an extension of time to file a reply to address Respondents' amended answer. The PFRD notified the parties of their ability to file objections within fourteen (14) days and that failure to do so waived appellate review. To date, the parties have not filed any objections and the time for doing so has expired.

**IT IS THEREFORE ORDERED** that:

1. The July 30, 2019 PFRD is **ADOPTED** as an order of this Court.
2. Petitioner's motion to withdraw and stay petition (Doc. 30) is **DENIED**.
3. Petitioner's motion for an extension of time (Doc. 29) is **GRANTED**. Petitioner shall file his reply, if any, to the amended answer on or before **September 10, 2019**.

  
UNITED STATES DISTRICT JUDGE