

Accordingly, the Court declines to reconsider its decision to withhold ruling on both the Respondent's Motion to Dismiss Petition for Writ of Habeas Corpus as Untimely (Doc. 4) and Petitioner's Motion for Order Ruling Habeas Petition Timely Filed or, alternatively, Granting Evidentiary Hearing. (Doc. 52). Therefore, the Court **DENIES** this portion of Respondent's Motion.

Alternatively, Respondent requests the Court to limit further pleadings in the case to an amended petition and Respondent's answer filed in accordance with Rule 5 of the Rules Governing Section 2254 Cases ("Rule 5"). The Court **GRANTS** this portion of Respondent's motion. Thus, the Court's November 1, 2011 Scheduling Order is modified to eliminate the briefing schedule. The other terms of the November 1, 2011 Scheduling Order remain the same and Petitioner must submit, no later than December 5, 2011, an amended Petition for Writ of Habeas Corpus by a Person in State Custody that includes every unalleged possible constitutional error or deprivation entitling Petitioner to federal habeas corpus relief. Thirty days later, Respondent must file an answer that complies with Rule 5. After review of the amended habeas petition and answer, the Court will determine whether briefs are necessary.

SO ORDERED, this 18th day of November, 2011.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT