Atkins v. Filson, et al. Doc. 196 1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 **DISTRICT OF NEVADA** 8 9 STERLING ATKINS, 10 Petitioner, 2:02-cv-01348-JCM-PAL 11 vs. **ORDER** 12 TIMOTHY FILSON et al., 13 Respondents. 14 15 16 In this capital habeas corpus action, the respondents filed a motion to dismiss (ECF No. 192) 17 on December 22, 2016. Petitioner's response to that motion is due on February 21, 2017. See Order 18 entered August 10, 2015 (ECF No. 167) (60 days for response to motion to dismiss). 19 Along with the motion to dismiss, respondents filed a motion for waiver of compliance with LR IA 10-3(e) and (i) (ECF No. 193). 20 21 In their motion, respondents first request a waiver, for purposes of this case, of Local Rule IA 22 10-3(e), which requires, with respect to the filing of exhibits, that the cover sheet for each exhibit 23 must include a descriptor of the exhibit. The court finds that, in this habeas corpus action, there is good cause to waive the requirement that the cover sheet for each exhibit include a descriptor of the 24 25 exhibit. For purposes of this action, the court waives the requirement in Local Rule IA 10-3(e) that 26 the cover sheet for each filed exhibit must include a descriptor of the exhibit.

Additionally, respondents request a waiver of Local Rule IA 10-3(I), which concerns exhibits to documents filed or submitted to the court in paper form. Respondents' motion to dismiss, and the exhibits in support of it, have been filed in electronic form; therefore, it appears that this local rule does not apply. This part of respondents' motion is unnecessary and will be denied.

However, pursuant to LR IC 2-2(g), because respondents' motion to dismiss and supporting exhibits each exceed 50 pages, respondents are to submit paper copies of those items to the court; respondents should submit those copies of the motion and exhibits to the attention of the court's staff attorneys, at the office of the clerk of the court, at the court's Reno location.

IT IS THEREFORE ORDERED that respondents' motion for waiver of compliance with LR IA 10-3(e) and (i) (ECF No. 193) is **GRANTED IN PART AND DENIED IN PART**, as described above.

Dated December 27, 2016.

UNITED STATES DISTRICT JUDGE