

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 || KEVIN JAMES LISLE,

9 || Petitioner,

2:03-cv-01005-JCM-CWH

10 || vs.

ORDER

11 || TIMOTHY FILSON, *et al.*,

12 Respondents.

15 _____

15 In this capital habeas corpus action, the petitioner, Kevin James Lisle, filed a third amended
16 petition for writ of habeas corpus on October 21, 2016 (ECF No. 197). Respondents filed a motion
17 to dismiss on March 20, 2017 (ECF No. 216). Lisle filed an opposition to the motion to dismiss on
18 August 11, 2017 (ECF No. 232). On that date, Lisle also filed a motion for leave to conduct
19 discovery (ECF No. 236), a motion for orders for medical examination and site inspection (ECF No.
20 241), and a motion for evidentiary hearing (ECF No. 239).

21 On August 14, 2017, Lisle’s counsel filed an *ex parte* Motion to Withdraw or for
22 Appointment of Conflict Counsel (ECF No. 243 (sealed)). The Court granted that motion, and
23 appointed separate counsel for Lisle for the limited purpose of supplementing Lisle’s opposition to
24 respondents’ motion to dismiss, to assert certain arguments regarding the issue of equitable
25 tolling of the statute of limitations (ECF Nos. 246, 247 (sealed)). The appointed separate counsel,
26 A. Richard Ellis, appeared for Lisle on September 6, 2017 (ECF No. 248).

1 Therefore, the Court will now set a schedule for further briefing of the motion to dismiss and
2 related motions, as follows:

3 Within 60 days from the date of entry of this order, Ellis shall file and serve, on Lisle's
4 behalf, his supplement to Lisle's opposition to the motion to dismiss.

5 Within 30 days after Ellis files the supplement to Lisle's opposition to the motion to dismiss,
6 respondents shall file their reply in support of their motion to dismiss, and their responses to the
7 motion for leave to conduct discovery, the motion for orders for medical examination and site
8 inspection, and the motion for evidentiary hearing.

9 Thereafter, Lisle shall, within 30 days, file his replies in support of the motion for leave to
10 conduct discovery, the motion for orders for medical examination and site inspection, and the motion
11 for evidentiary hearing.

12 **IT IS SO ORDERED.**

14 Dated September 12, 2017.

16 
17 _____
18 UNITED STATES DISTRICT JUDGE

19
20
21
22
23
24
25
26