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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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KEVIN JAMES LISLE,

Case No. 2:03-cv-01006-MMD-CWF

Petitioner,

ORDER

v.

RENEE BAKER, et al.,

Respondents.

In this capital habeas corpus action, on March 25, 2013, the petitioner, Kevin James Lisle, filed a second amended petition (dkt. no. 129). Therefore, in light of that filing, and in light of the representations of counsel at the status conference held on January 23, 2013 (see Amended Minutes of Proceedings, dkt. no. 121), the Court, in this order, sets a schedule, as follows, for further litigation of this action.

IT IS ORDERED:

1. **Response to Petition.** Respondents shall have until and including May 31, 2013, to file and serve an answer or other response to the second amended petition (dkt. no. 129).

2. **Reply and Response to Reply.** Petitioner shall have forty-five (45) days following service of an answer to file and serve a reply. Respondents shall thereafter have thirty (30) days following service of a reply to file and serve a response to the reply.

3. **Briefing of Motion to Dismiss.** If respondents file a motion to dismiss, petitioner shall have thirty (30) days following service of the motion to file and serve an

1 opposition to the motion. Respondents shall thereafter have thirty (30) days following  
2 service of the opposition to file and serve a reply.

3       4.     **Discovery.** If petitioner wishes to move for leave to conduct discovery,  
4 petitioner shall file and serve such motion concurrently with, but separate from, the  
5 response to respondents' motion to dismiss or the reply to respondents' answer. Any  
6 motion for leave to conduct discovery filed by petitioner before that time may be  
7 considered premature, and may be denied, without prejudice, on that basis.  
8 Respondents shall file and serve a response to any such motion concurrently with, but  
9 separate from, their reply in support of their motion to dismiss or their response to  
10 petitioner's reply. Thereafter, petitioner shall have twenty (20) days to file and serve a  
11 reply in support of the motion for leave to conduct discovery. If the Court grants  
12 petitioner leave to conduct discovery, the Court will then establish time limits for the  
13 completion of the authorized discovery.

14       5.     **Evidentiary Hearing.** If petitioner wishes to request an evidentiary  
15 hearing, petitioner shall file and serve a motion for an evidentiary hearing concurrently  
16 with, but separate from, the response to respondents' motion to dismiss or the reply to  
17 respondents' answer. Any motion for an evidentiary hearing filed by petitioner before  
18 that time may be considered premature, and may be denied, without prejudice, on that  
19 basis. The motion for an evidentiary hearing must specifically address why an  
20 evidentiary hearing is required, and must meet the requirements of 28 U.S.C. § 2254(e).  
21 The motion must state whether an evidentiary hearing was held in state court, and, if so,  
22 state where the transcript is located in the record. If petitioner files a motion for an  
23 evidentiary hearing, respondents shall file and serve a response to that motion  
24 concurrently with, but separate from, their reply in support of their motion to dismiss or  
25 their response to petitioner's reply. Thereafter, petitioner shall have twenty (20) days to  
26 file and serve a reply in support of the motion for an evidentiary hearing.


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6. **Status Reports and Status Conferences.** The Court may from time to time, as the need arises, schedule status conferences, and/or require the filing and service of status reports, in order to manage the progress of this action.

DATED THIS 29<sup>th</sup> day of March 2013.

  
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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE