

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KEVIN JAMES LISLE,

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

Petitioner,

ORDER

v.

RENEE BAKER, *et al.*,

Respondents.

In this capital habeas corpus action, the respondents filed a motion to dismiss on December 26, 2014. (Dkt. no. 182.) The petitioner, Kevin James Lisle, filed an opposition to that motion on April 27, 2015. (Dkt. no. 206.) After an extension of time, Lisle had until May 27, 2015, to file any motion for leave to conduct discovery and/or motion for evidentiary hearing related to his opposition to the motion to dismiss. See Minute Order entered April 28, 2015 (dkt. no. 210). The court has ordered that respondents would then have 75 days following Lisle's filing of any motion for leave to conduct discovery and/or motion for evidentiary hearing, related to his opposition to the motion to dismiss, to file a reply in support of the motion to dismiss and to file responses to any motion for leave to conduct discovery and/or motion for evidentiary hearing. See *id*; see also Minute Order entered May 5, 2015 (dkt. no. 212).

On May 12, 2015, Lisle's counsel filed an *ex parte* motion to withdraw (dkt. no. 213). That motion is pending.

On May 18, 2015, Lisle filed a *pro se* "Motion for Stay and Abeyance" (dkt. no. 214). That motion is plainly meritless, and, moreover, as Lisle is represented by


1 counsel, the Court will not consider such pro se filings. See LR IA 10-6. Lisle's *pro se*
2 motion will be denied.

3 On May 27, 2015, Lisle filed a motion for extension of time (dkt. no. 215),
4 requesting, in essence, that the briefing of the motion to dismiss, as well as any motion
5 for leave to conduct discovery and/or motion for evidentiary hearing related to Lisle's
6 opposition to the motion to dismiss, be suspended pending the resolution of Lisle's
7 counsel's *ex parte* motion to withdraw. Lisle's counsel informs the Court that
8 respondents' counsel joins in that motion. In the interests of judicial economy, the Court
9 will grant the motion for extension of time.

10 It is therefore ordered that petitioner's *pro se* Motion for Stay and Abeyance (dkt.
11 no. 214) is denied.

12 It is further ordered that petitioner's Unopposed Motion for Extension of Time
13 (dkt. no. 215) is granted. The schedule for petitioner to file any motion for leave to
14 conduct discovery and/or motion for evidentiary hearing related to his opposition to the
15 motion to dismiss, and for respondents to file a reply in support of their motion to
16 dismiss, is vacated. The Court will set a new schedule for those filings after Lisle's
17 counsel's *ex parte* motion to withdraw is resolved.

18 DATED THIS 28th day of May 2015.

19
20
21 
22 MIRANDA M. DU
23 UNITED STATES DISTRICT JUDGE
24
25
26
27
28