

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

* * *

JESSICA WILLIAMS,

Petitioner,

v.

JO GENTRY, et al.,

Respondents.

Case No. 2:04-cv-01620-KJD-GWF

ORDER

This action is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On March 17, 2011, this court granted a stay and administratively closed petitioner Jessica Williams' federal habeas corpus action pending exhaustion of unexhausted claims (ECF No. 91).

Williams' extensive further state-court proceedings have concluded, and she has now returned to this court, through counsel, seeking to reopen this case (ECF No. 97). Petitioner initially filed a motion for leave to file supplemental briefing on ground 8, but now seeks to withdraw that motion (see ECF Nos. 103, 107, 109). Williams subsequently filed a motion for leave to file an amended petition, with a proposed amended petition (ECF Nos. 109, 110). Williams has also filed supplemental exhibits in support of the motion to reopen the case and in support of her amended petition (ECF Nos. 98-102, 106, 108). Petitioner asks that the supplemental exhibits be linked to her amended petition at ECF No. 110. Respondents have not opposed or responded to the motions in any way. Accordingly, and good cause appearing, this action is reopened, and the motion for leave to file an amended petition is granted.

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

Williams has also filed a motion to partially waive Local Rules IA 10-3(e), 7-3(b) and 7-3(c) (ECF No. 104). Williams asks the court to waive, for purposes of this action, the provision in Local Rule IA 10-3(e) that requires the cover page of each filed exhibit to include a description of the exhibit. See LR IA 10-3(e); see also LR IA 10-3(i). Williams notes that Local Rule IA 1-4 provides that the court may waive any provision of the local rules, *sua sponte* or on a motion, if the interests of justice so require. See LR IA 1-4. Williams states that adding descriptors to the cover pages of exhibits is unduly burdensome (ECF No. 104). Williams states that she will still provide indexes of exhibits and exhibit cover sheets referencing each exhibit by letter. *Id.* Williams also asks the court to waive the page limits for motions and replies set forth in Local Rules 7-3(b) and 7-3(c). In light of the procedural history, the number and nature of grounds still before this court, and the number of exhibits in this habeas corpus action, the court finds that there is good cause for the requested waivers, and will grant the waivers for all parties.

The court now sets a further briefing schedule.

IT IS THEREFORE ORDERED that petitioner's motion to lift stay (ECF No. 97) is **GRANTED**.

IT IS FURTHER ORDERED that, as the stay is lifted by this order, the Clerk shall REOPEN THE FILE in this action.

IT IS FURTHER ORDERED that petitioner's motion for leave to file an amended petition (ECF No. 109) is **GRANTED**.

IT IS FURTHER ORDERED that the supplemental exhibits filed at ECF Nos. 98-102, 106, and 108 are ACCEPTED as supplemental exhibits to the amended petition (ECF No. 110). The Clerk of Court SHALL LINK the supplemental exhibits (ECF Nos. 98-102, 106, and 108) to the amended petition (ECF No. 110) on the CM/ECF docket in this action.

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

IT IS FURTHER ORDERED that respondents shall have **forty-five (45) days** following the date of entry of this order within which to answer, or otherwise respond to, the amended petition (ECF No. 110).

IT IS FURTHER ORDERED that petitioner shall have **forty-five (45) days** following service of the response to file and serve petitioner's response.

IT IS FURTHER ORDERED that the parties SHALL SEND courtesy copies of all exhibits to the Reno Division of this court. Courtesy copies shall be mailed to the Clerk of Court, 400 S. Virginia St., Reno, NV, 89501, and directed to the attention of "Staff Attorney" on the outside of the mailing address label. Additionally, in the future, all parties shall provide courtesy copies of any additional exhibits submitted to the court in this case, in the manner described above.

IT IS FURTHER ORDERED that petitioner's motion for leave to file supplemental authorities in support of ground 8 and motion for extension of time (ECF Nos. 103 and 105) are both **DENIED** as moot.

IT IS FURTHER ORDERED that the Clerk **SHALL STRIKE** petitioner's memorandum in support of ground 8 (ECF No. 107).

IT IS FURTHER ORDERED that petitioner's motion to partially waive local rules (ECF No. 104) is **GRANTED** as set forth in this order.

DATED: 7 February 2017.



KENT J. DAWSON
UNITED STATES DISTRICT JUDGE