

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

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RENE GATO,)
)
Petitioner,)
)
vs.)
)
GREGORY SMITH, et al,)
)
Respondent.)
/

2: 10-cv-01748-KJD-RJJ

ORDER

This is a habeas corpus case pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner is proceeding *pro se*. On December 3, 2010, Respondents filed a Motion to Extend Time to file their response to the petition (ECF No. 14), requesting an additional forty-five days. On December 6, 2010, petitioner filed a motion to amend his petition, providing the court with his proposed additional claim. (ECF No. 15.) Respondents have opposed the motion arguing the motion was untimely under F.R.C.P. 15 and that the claim presented is unexhausted and conclusory (ECF No. 16). Respondents have also filed a second motion for extension of time (ECF No. 17) requesting fifteen days beyond the date an order is entered on petitioner’s motion to amend.

“A document filed *pro se* is to be liberally construed” and *pro se* pleadings should not

1 be held to the same technical standards as represented litigants. *Woods v. Carey*, 525 F.3d 886 (9th
2 Cir. 2008). The motion to amend was made before the deadline for the response to the petition and
3 adds a single claim for relief.¹ Moreover, it this Court's practice to require a petitioner to present all
4 his claims in a single petition, exhausted or unexhausted, to be dealt with at one time. Therefore, the
5 pending motions shall be granted. To expedite matters, the proposed amendment shall be docketed
6 as petitioner's Statement of Additional Claims.

7 **IT IS THEREFORE ORDERED** that the Motion to Amend (ECF No. 15) is
8 **GRANTED**. The Clerk shall detach the proposed amendment from the Motion to Amend and shall
9 it shall be docketed the as petitioner's Statement of Additional Claims.

10 **IT IS FURTHER ORDERED** that the Answer or other response to the petition and
11 the Statement of Additional Claims shall be filed within twenty days of the entry of this order.
12 Respondents' motions for enlargement of time (ECF Nos. 14 and 17) are **GRANTED**.

13 DATED: January 31, 2011.

14 

15 UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25

26

¹The Court notes that petitioner originally sought to amend the petition a month earlier, but the submission was rejected for lack of service on the respondents. *See* ECF Nos. 12 and 13).