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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRETT COMBS,

Petitioner,

vs.

STATE OF NEVADA, et al.,

Respondents.

Case No. 2:11-cv-00528-GMN-VCF

ORDER

Before the court are petitioner's motion to reopen (#35) and respondents' non-opposition (#40). The court grants this motion.

Also before the court are petitioner's motion for appointment of counsel (#36), respondents' opposition (#39), and petitioner's reply (#41). The court sees no reason to depart from its denial of petitioner's earlier motion for appointment of counsel, and the court denies this motion.


IT IS THEREFORE ORDERED that petitioner's motion to reopen (#35) is **GRANTED**. The clerk of the court shall reopen this action.

IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel (#36) is **DENIED**.

IT IS FURTHER ORDERED that respondents shall have forty-five (45) days from the date of entry of this order to answer or otherwise respond to the amended petition (#23). Respondents shall raise all currently available affirmative defenses in the initial responsive pleading, including lack of exhaustion and procedural default. Successive motions to dismiss will not be entertained. If respondents file and serve an answer, then they shall comply with Rule 5 of the Rules Governing

1 Section 2254 Cases in the United States District Courts, and then petitioner shall have forty-five
2 (45) days from the date on which the answer is served to file a reply. If respondents file a motion,
3 then the briefing schedule of Local Rule LR 7-2 shall apply.

4 DATED: April 6, 2016

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8 Gloria M. Navarro, Chief Judge
9 United States District Court
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