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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DANTE H. PATTISON, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 COLE MORROW, *et al.*, )  
 )  
 Respondents. )  
 /

2:12-cv-00315-KJD-PAL

**ORDER**

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. Petitioner has paid the filing fee for this action. (ECF No. 5).

This federal habeas corpus action arises from petitioner’s conviction, pursuant to a jury verdict, of one count of first-degree murder with the use of a deadly weapon, and two counts of first-degree murder with the use of a deadly weapon where the victim was over the age of sixty-five.

Petitioner has filed a motion for the appointment of counsel. (ECF No. 2). Given the complexities of this case, and good cause appearing, the Federal Public Defender for the District of Nevada (FPD) shall be appointed to represent petitioner. If the FPD is unable to represent petitioner, due to a conflict of interest or other reason, then alternate counsel for petitioner shall be located, and the Court will enter a separate order appointing such alternate counsel. In either case, counsel will

1 represent petitioner in all future federal proceedings relating to this matter (including subsequent  
2 actions) and appeals therefrom, unless allowed to withdraw. Petitioner and his counsel should pay  
3 very close attention to the effect of the one-year statute of limitations applicable to federal habeas  
4 corpus petitions pursuant to 28 U.S.C. §2244(d)(1) (part of the Antiterrorism and Effective Death  
5 Penalty Act (AEDPA)).

6 **IT IS THEREFORE ORDERED** that the Clerk of Court **SHALL FILE** the petition.

7 **IT IS FURTHER ORDERED** that petitioner's motion for the appointment of counsel (ECF  
8 No. 2) is **GRANTED**.

9 **IT IS FURTHER ORDERED** that the Clerk shall **ELECTRONICALLY SERVE** the  
10 Federal Public Defender for the District of Nevada (FPD) a copy of this order, together with a copy  
11 of the petition for writ of habeas corpus (ECF No. 1-2) and any attachments thereto.

12 **IT IS FURTHER ORDERED** that the Clerk shall **SEND** a copy of this order to the CJA  
13 Coordinator.

14 **IT IS FURTHER ORDERED** that, within **thirty (30) days** from the date of entry of this  
15 order, the FPD shall undertake direct representation of petitioner or indicate to the Court its inability  
16 to represent petitioner in these proceedings.

17 **IT IS FURTHER ORDERED** that the Clerk shall **RESUBMIT** this case to the court after  
18 the FPD has appeared as counsel for petitioner, after the FPD has indicated its inability to represent  
19 petitioner, or after **thirty (30) days** from the entry of this order, whichever occurs first.

20 **IT IS FURTHER ORDERED** that counsel for petitioner **SHALL** contact petitioner as soon  
21 as reasonably possible to: (a) review the procedures applicable in cases under 28 U.S.C. §2254; (b)  
22 discuss and explore with petitioner, as fully as possible, the potential grounds for habeas corpus  
23 relief in petitioner's case; and (c) advise petitioner that all possible grounds for habeas corpus relief  
24 must be raised at this time in this case, and that the failure to do so will likely result in the omitted  
25 grounds being barred from future review under the rules regarding abuse of the writ.

1           **IT IS FURTHER ORDERED** that counsel for respondents **SHALL** make available to  
2 counsel for petitioner (photocopying costs at the latter's expense), as soon as reasonably possible, a  
3 copy of whatever portions of the state court record they possess regarding the judgment petitioner is  
4 challenging herein.

5           **IT IS FURTHER ORDERED** that counsel for petitioner **SHALL FILE AND SERVE** a  
6 First Amended Petition for Writ of Habeas Corpus within **ninety (90) days** of the date of entry of  
7 this order. The First Amended Petition shall include all known grounds for relief (both exhausted  
8 and unexhausted). Respondents shall have **forty-five (45) days** after service of the First Amended  
9 Petition within which to answer, or otherwise respond to the same. If an answer is filed, petitioner  
10 shall have **forty-five (45) days** from the date of service of the answer to file a reply.

11           **IT IS FURTHER ORDERED** that petitioner's motion for leave to file excess pages (ECF  
12 No. 3) is denied, as moot.

13           **IT FURTHER IS ORDERED** that all state court record exhibits filed by the parties shall be  
14 filed with a separate index of exhibits identifying the exhibits by number or letter. The CM/ECF  
15 attachments that are filed further shall be identified by the number or numbers (or letter or letters) of  
16 the exhibits in the attachment. The hard copy (courtesy copy) of all state court record exhibits shall  
17 be forwarded – for this case – to the staff attorneys in the **Reno Division** of the Clerk of Court.

18           Dated this 16 day of May, 2012.

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21 UNITED STATES DISTRICT JUDGE  
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