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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ARIE ROBERT REDEKER,)
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 Petitioner,)
)
 vs.)
)
 D.W. NEVEN, *et al.*,)
)
 Respondents.)
)
 _____)
)

2:12-cv-00397-KJD-GWF

ORDER

In this habeas corpus action, on June 1, 2012, counsel appeared on behalf of petitioner (ECF No. 15) and the Court issued a scheduling order granting petitioner ninety days to file an amended petition (ECF No. 16). On August 8, 2012, petitioner filed his amended petition and exhibits along with a motion to file a second amended petition (ECF No. 23). Petitioner explains that he filed the amended petition in order to present timely notice of the factual basis of all potential claims, including all claims petitioner has presented to the Nevada state courts in order to avoid any negative effects of the statute of limitation as discussed in the United States Supreme Court’s holdings in *Pace v. DiGuglielmo*, 544 U.S. 408, 416 (2005) and *Mayle v. Felix*, 545 U.S. 644 (2005). He also explains that he would require another ninety days to file the second amended petition, which was necessary because of the complexity of the case and because counsel did not “have a full opportunity to detail, investigate, and discuss” the claims with the petitioner. Motion, p. 2.

A petition for writ of habeas corpus in federal court may be amended or supplemented according to the Federal Rules of Civil Procedure. 28 U.S.C. § 2242. The Federal Rules of Civil

1 Procedure allow a party to amend its pleading once as a matter of course if it is filed within 21 days
2 of the original filing date or within 21 days of service of the pleading which requires a response.
3 Fed. R. Civ. P. 15(a)(1). However, given the time line proposed by petitioner, leave of the Court is
4 required, although it should be freely granted in the interests of justice. Fed. R. Civ. P. 15(a)(2).
5 Good cause appearing, the motion shall be granted.

6 **IT IS THEREFORE ORDERED** that petitioner shall have **ninety (90) days**, to file
7 and serve a second amended petition for writ of habeas corpus, which shall include all known
8 grounds for relief (both exhausted and unexhausted). Respondents shall have **thirty (30) days** after
9 service of a second amended petition within which to answer, or otherwise respond to, the amended
10 petition. If petitioner does not file an amended petition, respondents shall have thirty (30) days from
11 the date on which the amended petition is due within which to answer, or otherwise respond to,
12 petitioner's original petition.

13 **IT IS FURTHER ORDERED** that if and when respondents file an answer,
14 petitioner shall have **thirty (30) days** after service of the answer to file and serve a reply.

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

20 DATED: August 21, 2012

21 

22 _____
23 UNITED STATES DISTRICT JUDGE