

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**

MARY DIMICK,

Petitioner,

vs.

SHERIFF DOUGLAS GILLESPIE, et al.,

Respondents.

Case No. 2:13-cv-00562-PMP-PAL

ORDER

The court directed petitioner to show cause why this action should not be dismissed for lack of jurisdiction. Order (#2). Petitioner has responded (#3). Petitioner is correct that an unfulfilled requirement that she participate in counseling amounts to custody for the purposes of 28 U.S.C. § 2254. The court will serve the petition upon respondents for a response.

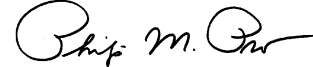
IT IS THEREFORE ORDERED that the clerk of court shall serve a copy of this order, the petition (#1), and accompanying papers by mail upon respondents Sheriff Douglas C. Gillespie at the Las Vegas Metropolitan Police Department, 400 S. Martin L. King Blvd., Las Vegas, Nevada 89106, and the Las Vegas City Attorney at City Hall, 6th Floor, 495. S. Main St., Las Vegas, Nevada 89101.

IT IS FURTHER ORDERED that respondents shall have forty-five (45) days from the date on which the petition was served to answer or otherwise respond to the petition. If respondents file and serve an answer, then they shall comply with Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts, and then petitioner shall have forty-five (45) days from the date on which the answer is served to file a reply.

1 IT IS FURTHER ORDERED that any exhibits filed by the parties shall be filed with a
2 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments
3 that are filed further shall be identified by the number or numbers (or letter or letters) of the exhibits
4 in the attachment. The hard copy of any additional state court record exhibits shall be
5 forwarded—for this case—to the staff attorneys in Las Vegas.

6 IT IS FURTHER ORDERED that henceforth, petitioner shall serve upon respondents or, if
7 appearance has been entered by counsel, upon the attorney(s), a copy of every pleading, motion or
8 other document submitted for consideration by the court. Petitioner shall include with the original
9 paper submitted for filing a certificate stating the date that a true and correct copy of the document
10 was mailed to the respondents or counsel for the respondents. The court may disregard any paper
11 received by a district judge or magistrate judge that has not been filed with the clerk, and any paper
12 received by a district judge, magistrate judge, or the clerk that fails to include a certificate of service.

13 DATED: July 16, 2013.

14 

15
16 PHILIP M. PRO
United States District Judge

17
18
19
20
21
22
23
24
25
26
27
28