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RANDOLPH L. MOORE,)	
)	
Petitioner,)	2:13-cv-0655-JCM-CWH
)	
vs.)	
)	ORDER
RENEE BAKER, <i>et al.</i> ,)	
)	
Respondents.)	
)	
	/	

On July 8, 2013, the court held a status conference. Counsel for petitioner and counsel for respondents appeared, and discussed the anticipated course of proceedings in this action. In light of the representations of counsel at the status conference, the court sets a schedule for further litigation of this action, as follows.

1 **IT IS ORDERED:**

2 1. **Amended Petition.** If necessary, petitioner shall file and serve an amended petition
3 for a writ of habeas corpus on or before **September 13, 2013**. The amended petition shall
4 specifically state whether each ground for relief has been exhausted in state court; for each claim that
5 has been exhausted in state court, the amended petition shall state how, when, and where that
6 occurred. If petitioner determines that an amended petition need not be filed, then, when the
7 amended petition is due, petitioner shall file and serve a statement to that effect.

8 2. **Response to Petition.** Respondents shall have **60 days** following service of the
9 amended petition to file and serve an answer or other response to the amended petition. If petitioner
10 does not file an amended petition, respondents shall have **60 days** following the due-date for the
11 amended petition to file and serve an answer or other response to the original petition, which was
12 filed on April 18, 2013.

13 3. **Reply and Response to Reply.** Petitioner shall have **45 days** following service of
14 an answer to file and serve a reply. Respondents shall thereafter have **30 days** following service of a
15 reply to file and serve a response to the reply.

16 4. **Briefing of Motion to Dismiss.** If respondents file a motion to dismiss, petitioner
17 shall have **30 days** following service of the motion to file and serve an opposition to the motion.
18 Respondents shall thereafter have **30 days** following service of the opposition to file and serve a
19 reply.

20 5. **Discovery.** If petitioner wishes to move for leave to conduct discovery, petitioner
21 shall file and serve such motion concurrently with, but separate from, the response to respondents'
22 motion to dismiss or the reply to respondents' answer. Any motion for leave to conduct discovery
23 filed by petitioner before that time may be considered premature, and may be denied, without
24 prejudice, on that basis. Respondents shall file and serve a response to any such motion concurrently
25 with, but separate from, their reply in support of their motion to dismiss or their response to
26 petitioner's reply. Thereafter, petitioner shall have 20 days to file and serve a reply in support of the

1 motion for leave to conduct discovery. If the court grants petitioner leave to conduct discovery, the
2 court will then establish time limits for the completion of the authorized discovery.

3 **6. Evidentiary Hearing.** If petitioner wishes to request an evidentiary hearing,
4 petitioner shall file and serve a motion for an evidentiary hearing concurrently with, but separate
5 from, the response to respondents' motion to dismiss or the reply to respondents' answer. Any
6 motion for an evidentiary hearing filed by petitioner before that time may be considered premature,
7 and may be denied, without prejudice, on that basis. The motion for an evidentiary hearing must
8 specifically address why an evidentiary hearing is required, and must meet the requirements of
9 28 U.S.C. § 2254(e). The motion must state whether an evidentiary hearing was held in state court,
10 and, if so, state where the transcript is located in the record. If petitioner files a motion for an
11 evidentiary hearing, respondents shall file and serve a response to that motion concurrently with, but
12 separate from, their reply in support of their motion to dismiss or their response to petitioner's reply.
13 Thereafter, petitioner shall have 20 days to file and serve a reply in support of the motion for an
14 evidentiary hearing.

15 **7. Status Reports and Status Conferences.** The court may from time to time, as the
16 need arises, schedule status conferences, and/or require the filing and service of status reports, in
17 order to manage the progress of this action.

18
19 Dated July 9, 2013.

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22 UNITED STATES DISTRICT JUDGE
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