

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 * * *

4 John Michael Farnum,

Case No. 2:13-cv-01304-APG-BNW

5 Petitioner,

ORDER

6 v.

7 Robert LeGrand, *et al.*,

8 Respondents.

9

10 Petitioner moves for an order that would permit supplemental briefing and set a briefing
11 schedule. ECF No. 83. On October 26, 2022, the United States Court of Appeals for the Ninth
12 Circuit issued a Memorandum remanding this habeas case to this court to evaluate petitioner's
13 claim that his counsel was ineffective for failing to request a *Miller*¹ hearing to challenge alleged
14 prior false allegations by the primary victim, A.R. ECF No. 82. Respondents do not oppose
15 petitioner's motion, and I agree that further briefing is warranted. So, I grant the motion. I will
16 also grant petitioner's request to file his opening brief sometime after February 1, 2023, to allow
17 time for his counsel on appeal to seek appointment in this court.

18 **I THEREFORE ORDER** that petitioner's motion to permit supplemental briefing and
19 to set a briefing schedule (ECF No. 83) is GRANTED. Petitioner has until **February 17, 2023**,
20 to file an opening brief addressing the issues identified by the Ninth Circuit's remand. The
21 respondents have **60 days** from the date petitioner's brief is filed to file their answering brief.
22 Petitioner's reply brief is due **30 days** after the answering brief is filed.

23 DATED THIS 16th day of December, 2022.

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25 _____
26 ANDREW P. GORDON
27 UNITED STATES DISTRICT JUDGE

28 _____
¹ *Miller v. State*, 779 P.2d 87 (Nev. 1989).