

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**

MICHAEL DUANE SMITH,

Petitioner,

vs.

BRIAN WILLIAMS, *et al.*,

Respondents.

2:13-cv-01694-APG-VCF

ORDER

This habeas matter under 28 U.S.C. § 2254 comes before the Court on petitioner's motion (Dkt. #8) for extension of time.

The Federal Public Defender seeks additional time to comply with the provisions of the prior order (Dkt. #3) regarding payment of the filing fee and demonstration of financial eligibility for appointment of counsel. It appears that a service copy of the order was not received by petitioner.

The Court will proceed on an interim assumption that financial eligibility likely will be established and that the filing fee requirement will be satisfied in one manner or another once the preparatory steps are completed. Given recent resource and personnel limitations, the Court will set the deadline for complying with the prior order at ninety (90) days from entry of this order. That should allow counsel sufficient time and flexibility to address the financial matters more within the context of normal case preparation and consultation with petitioner.


Also on this interim assumption, the Court will set the amended petition deadline for one hundred fifty (150) days from entry of this order, subject to satisfaction of the above.

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

IT THEREFORE IS ORDERED that petitioner’s motion (Dkt. #8) for extension of time is GRANTED, such petitioner shall have **ninety (90) days** from entry of this order to comply with the prior order (Dkt. #3) with regard to satisfaction of the filing fee and demonstration of financial eligibility for appointment of counsel. The Court will enter a formal order of appointment confirming the provisional appointment of the Federal Public Defender following upon satisfaction of the requirements of the prior order.

IT FURTHER IS ORDERED that, provisionally subject to satisfaction of the foregoing requirements, petitioner shall have **one hundred fifty (150) days** from entry of this present order to file a counseled amended petition and/or seek other appropriate relief.

DATED: December 16, 2013.



ANDREW P. GORDON
United States District Judge