

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JULIUS BRADFORD,

Petitioner,

v.

JEREMY BEAN, *et al.*,

Respondents.

Case No. 2:13-cv-01784-RFB-EJY

ORDER

In this habeas corpus action, the *pro se* petitioner, Julius Bradford, filed a Third Amended Habeas Petition on April 2, 2024. ECF No. 227. Respondents filed a Motion to Dismiss on December 2, 2024. ECF No. 238. Bradford was then to file a response to the motion to dismiss by January 31, 2025, but he filed two Motions for Extension of Time, requesting that the due date for his response be extended to March 25, 2025. ECF Nos. 240, 241.

The Court has examined the Motion to Dismiss and determined that it does not address an issue regarding this Court's jurisdiction to adjudicate Bradford's Third Amended Petition. That is, the Motion to Dismiss does not address whether Bradford's Third Amended Petition is barred by 28 U.S.C. § 2244(b) (regarding successive petitions) and the caselaw interpreting that provision, Beaty v. Schriro, 554 F.3d 780 (9th Cir. 2009) and Balbuena v. Sullivan, 980 F.3d 619 (9th Cir. 2020). In other words, should Bradford's Third Amended Petition be treated as a motion to amend, and should the motion to amend be denied as a request to file a successive petition without the authorization of the Court of Appeals, as required by 28 U.S.C. § 2244(b)(3)?

The Court will grant Respondents 45 days to amend their Motion to Dismiss to address this issue. If Respondents determine that section 2244(b) does not apply under the circumstances in this case, their amended motion may simply state as much and reassert the arguments in their original Motion to Dismiss.

IT IS THEREFORE ORDERED that Respondents will have 45 days from the date this Order is entered to file an amended motion to dismiss, addressing the

1 jurisdictional issue as described above. The briefing of the amended motion to dismiss will be
2 governed by the Scheduling Order entered on April 11, 2024 (“Petitioner will have 60 days ... to
3 file a response to the motion. Respondents will then have 30 days to file a reply.”). ECF No. 229.

4 **IT IS FURTHER ORDERED** that Petitioner’s Motions for Extension of Time (ECF Nos.
5 240 and 241) are **DENIED** as moot.

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7 **DATED:** March 13, 2025

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE