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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ERICK MARQUIS BROWN,)	
)	
Petitioner,)	2:14-cv-00194-JCM-CWH
)	
vs.)	ORDER
)	
BRIAN WILLIAMS, <i>et al.</i> ,)	
)	
Respondents.)	
	/	

On October 23, 2014, this court entered an order granting petitioner leave to amend his petition for writ of habeas corpus. ECF No. 8. On November 17, 2014, petitioner filed a motion for reconsideration with respect this court’s prior order denying appointment of counsel. ECF No. 9. With that motion, petitioner also submitted his first amended petition, which appears to have been incorrectly docketed by the Clerk’s office. ECF No. 9-1, p. 56-149. As a result, respondents filed a motion for clarification. ECF No. 14. On April, 24, petitioner filed another motion for appointment of counsel, based on the mistaken belief that opposing counsel had not properly opposed his prior motion.¹ ECF No. 17.

The court’s reasons for denying counsel are spelled out in its prior order on the issue. ECF No. 4. Petitioner has not put forth circumstances that would cause this court to deviate from its

¹ Respondents’ opposition is filed under ECF No. 10.

1 decision to deny appointment. *See Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5
2 F.3d 1255, 1263 (9th Cir. 1993) (“Reconsideration is appropriate if the district court (1) is presented
3 with newly discovered evidence, (2) committed clear error or the initial decision was manifestly
4 unjust, or (3) if there is an intervening change in controlling law.”).

5 With respect to respondents’ motion for clarification, the clerk shall be directed to file
6 petitioner’s first amended petition under a separate docket entry. In addition, respondent shall be
7 directed to respond to the petition in the manner described below.

8 **IT IS THEREFORE ORDERED** that petitioner's motions relating to appointment of
9 counsel (ECF Nos. 9 and 17) are DENIED.

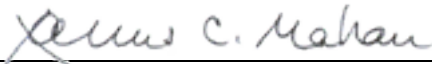
10 **IT IS FURTHER ORDERED** that respondents’ motion for clarification (ECF No. 14) is
11 GRANTED. **The clerk shall electronically file, as a new and separate docket entry, the**
12 **petitioner’s first amended petition for writ of habeas corpus, currently located at ECF No. 9-1,**
13 **p. 56-149.**

14 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45) days** from entry
15 of this order within which to answer, or otherwise respond to, the amended petition. In their answer
16 or other response, respondents shall address any claims presented by petitioner in his amended
17 petition. Respondents shall raise all potential affirmative defenses in the initial responsive pleading,
18 including lack of exhaustion and procedural default. **Successive motions to dismiss will not be**
19 **entertained.** If an answer is filed, respondents shall comply with the requirements of Rule 5 of the
20 Rules Governing Proceedings in the United States District Courts under 28 U.S.C. §2254. If an
21 answer is filed, petitioner shall have **forty-five (45) days** from the date of service of the answer to
22 file a reply.

23 **IT FURTHER IS ORDERED** that any state court record exhibits filed by respondents
24 herein shall be filed with a separate index of exhibits identifying the exhibits by number or letter.
25 The CM/ECF attachments that are filed shall further be identified by the number or numbers (or
26

1 letter or letters) of the exhibits in the attachment. The hard copy of any additional state court record
2 exhibits shall be forwarded – for this case – to the staff attorneys in Reno.

3 Dated May 18, 2015.

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6 UNITED STATES DISTRICT JUDGE

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