



1 for dismissal under § 2254(b)(2) as set forth in *Cassett v. Stewart*, 406 F.3d 614, 623–24  
2 (9th Cir. 2005). In short, no procedural defenses, including exhaustion, will be included  
3 with the merits in an answer. All procedural defenses, including exhaustion, instead must  
4 be raised by motion to dismiss.

- 5 4. In any answer filed on the merits, Respondents must specifically cite to and address the  
6 applicable state court written decision and state court record materials, if any, regarding  
7 each claim within the response as to that claim.
- 8 5. Respondents must file the state court exhibits relevant to their response to the petition, in  
9 chronological order.
- 10 6. All state court records and exhibits must be filed in accordance with LR IA 10-3, LR IC  
11 2-2, and LSR 3-3, and include a separate index identifying each exhibit by number or  
12 letter. The index must be filed in CM/ECF’s document upload screen as the base  
13 document to receive the base docket number (*e.g.*, ECF No. 10). Each exhibit must  
14 then be filed as “attachments” to the base document—the index—to receive a  
15 sequenced sub-docket number (*e.g.*, Exhibit A (ECF No. 10-1), Exhibit B (ECF No.  
16 10-2), Exhibit C (ECF No. 10-3), and so forth). If the exhibits will span more than one  
17 filing, the base document in each successive filing must be either a copy of the index or  
18 volume cover page. *See* LR IC 2-2(a)(3)(A).
- 19 7. Notwithstanding LR IC 2-2(g), paper copies of any electronically filed exhibits—for this  
20 case—*need not* be provided to chambers or to the staff attorney, unless later directed by  
21 the court.

22 Dated: October 7, 2021

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25 ANDREW P. GORDON  
26 UNITED STATES DISTRICT JUDGE  
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