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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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8 GONZALO VILLALOBOS,

9 Petitioner,

2:14-cv-02029-RFB-GWF

10 vs.

ORDER11 BRIAN E. WILLIAMS, *et al.*,

12 Respondents.

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15 In this habeas corpus action, the petitioner, Gonzalo Villalobos, filed an application to proceed
16 *in forma pauperis* (ECF No. 1) on December 4, 2014, with a petition for writ of habeas corpus.
17 Subsequently, on April 10, 2015, the court received from Villalobos payment of the \$5 filing fee for the
18 case (ECF No. 3). Therefore, the application to proceed *in forma pauperis* is moot, and it will be denied
19 on that ground.

20 Villalobos also filed, along with his habeas corpus petition, a document entitled “Memorandum
21 in Support of Petition for Writ of Habeas Corpus § 2254,” in which he actually sets forth the substance
22 of his claims for habeas corpus relief. The court construes that memorandum as part of Villalobos’
23 habeas petition.

24 The court has reviewed Villalobos’ petition for a writ of habeas corpus pursuant to Rule 4 of the
25 Rules Governing Section 2254 Cases in the United States District Courts. The court will direct the clerk
26 of the court to serve the petition upon the respondents, and will require a response.

1 **IT IS THEREFORE ORDERED** that petitioner’s Application to Proceed *In Forma Pauperis*
2 (ECF No. 1) is **DENIED**.

3 **IT IS FURTHER ORDERED** that the clerk of the court shall separately file the petition for writ
4 of habeas corpus (including “Part 2” of the petition), as well as the “Memorandum in Support of Petition
5 for Writ of Habeas Corpus § 2254,” both of which are currently attached to *in forma pauperis*
6 application at ECF No. 1.

7 **IT IS FURTHER ORDERED** that the clerk of the court shall add Adam Paul Laxalt, Attorney
8 General of the State of Nevada, as counsel for respondents.

9 **IT IS FURTHER ORDERED** that the clerk of the court shall electronically serve upon
10 respondents a copy of the petition for writ of habeas corpus (including “Part 2” of the petition), the
11 “Memorandum in Support of Petition for Writ of Habeas Corpus § 2254,” and this order.

12 **IT IS FURTHER ORDERED** that the clerk of the court shall return to the petitioner a copy of
13 the petition for writ of habeas corpus (including “Part 2” of the petition) and the “Memorandum in
14 Support of Petition for Writ of Habeas Corpus § 2254.”

15 **IT IS FURTHER ORDERED** that respondents shall have **45 days** from the date on which the
16 petition is served upon them to appear in this action, and to answer or otherwise respond to the petition.
17 Respondents shall, in the initial responsive pleading, whether it be a motion or an answer, raise all
18 potential procedural defenses, including lack of exhaustion and procedural default.

19 DATED this 29th day of June, 2015.

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23 RICHARD F. BOULWARE, II
24 UNITED STATES DISTRICT JUDGE
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