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## UNITED STATES DISTRICT COURT

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## DISTRICT OF NEVADA

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8 MONTRAIL D. SMITH,

9 Petitioner,

2:15-cv-00487-KJD-VCF

10 vs.

**ORDER**11 RENEE BAKER, *et al.*,

12 Respondents.

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15 This action is a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by  
16 Montrail D. Smith, a Nevada prisoner. The court appointed counsel for Smith, and his counsel  
17 appeared for him on June 25, 2015 (ECF No. 12). Respondents have also appeared in the case  
18 (ECF No. 11).

19 In this order, the court sets a schedule for further proceedings in this action.

20 **IT IS THEREFORE ORDERED** that, petitioner shall have **90 days** from the entry of this  
21 order to file a first amended petition for writ of habeas corpus, if necessary. If petitioner elects not to  
22 file a first amended petition, he shall file a notice, within that 90-day period, stating that he will not  
23 file a first amended petition.

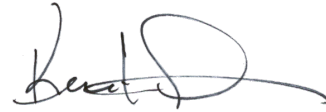
24 **IT IS FURTHER ORDERED** that, after petitioner files a first amended petition,  
25 respondents shall have **60 days** from the date on which the first amended petition is filed and served  
26 to file an answer or other response to the first amended petition. If petitioner elects not to file a first

1 amended petition, respondents shall have 60 days from the date on which petitioner files and serves a  
2 notice of his election in that regard in which to file an answer or other response to petitioner's  
3 original petition (ECF No. 10). Respondents shall, in their initial responsive pleading, whether it is a  
4 motion or an answer, raise all potential procedural defenses, including the statute of limitations,  
5 failure to exhaust state-court remedies, and procedural default.

6 **IT IS FURTHER ORDERED** that, if respondents file an answer, petitioner shall have  
7 45 days from the date on which the answer is filed and served to file a reply.

8 **IT IS FURTHER ORDERED** that, if respondents file a motion to dismiss, petitioner shall  
9 have 30 days after the motion is filed and served to respond to the motion to dismiss, and  
10 respondents shall, thereafter, have 20 days to file a reply in support of the motion.

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12 Dated this 30 day of June, 2015.



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UNITED STATES DISTRICT JUDGE  
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