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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAMES RAY WALKER,)
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 Petitioner,)
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 vs.)
)
 RENEE BAKER, *et al.*,)
)
 Respondents.)
)
 _____/

2:15-cv-01240-RFB-GWF

ORDER

This action is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 by James Ray Walker, a Nevada prisoner under sentence of death.

On July 20, 2015, the court granted petitioner’s motion for appointment of counsel, and appointed the Federal Public Defender’s office (FPD) as his counsel. ECF No. 8.

On July 27, 2015, Deputy Attorney General Matthew S. Johnson of the Nevada Attorney General’s office filed a notice of appearance for the respondents. ECF No. 11. On August 4, 2015, Assistant Federal Defender Tiffani D. Hurst filed notice that the FPD accepts of representation of the petitioner. ECF No. 12.

This scheduling order is issued pursuant to Federal Rule of Civil Procedure 16(b), the Rules Governing Section 2254 Cases in the United States District Courts, and Local Rule 16-1.

IT IS ORDERED:

1. **Response to Petition.** Respondents shall have **sixty (60) days** from the date this order

1 is entered within which to file and serve an answer or other response to habeas petition (ECF No. 1) filed
2 herein.

3 2. **Reply and Response to Reply.** Petitioner shall have **forty-five (45) days** following
4 service of an answer to file and serve a reply. Respondents shall thereafter have **thirty (30) days**
5 following service of a reply to file and serve a response to the reply.

6 3. **Briefing of Motion to Dismiss.** If respondents file a motion to dismiss, petitioner shall
7 have **thirty (30) days** following service of the motion to file and serve an opposition to the motion.
8 Respondents shall thereafter have **thirty (30) days** following service of the opposition to file and serve
9 a reply.

10 4. **Discovery.** If petitioner wishes to move for leave to conduct discovery, petitioner shall
11 file and serve such motion concurrently with, but separate from, the response to respondents' motion
12 to dismiss or the reply to respondents' answer. Any motion for leave to conduct discovery filed by
13 petitioner before that time may be considered premature, and may be denied, without prejudice, on that
14 basis. Respondents shall file and serve a response to any such motion concurrently with, but separate
15 from, their reply in support of their motion to dismiss or their response to petitioner's reply. Thereafter,
16 petitioner shall have twenty (20) days to file and serve a reply in support of the motion for leave to
17 conduct discovery. If the court grants petitioner leave to conduct discovery, the court will then establish
18 time limits for the completion of the authorized discovery.

19 5. **Evidentiary Hearing.** If petitioner wishes to request an evidentiary hearing, petitioner
20 shall file and serve a motion for an evidentiary hearing concurrently with, but separate from, the
21 response to respondents' motion to dismiss or the reply to respondents' answer. Any motion for an
22 evidentiary hearing filed by petitioner before that time may be considered premature, and may be denied,
23 without prejudice, on that basis. The motion for an evidentiary hearing must specifically address why
24 an evidentiary hearing is required, and must meet the requirements of
25 28 U.S.C. § 2254(e). The motion must state whether an evidentiary hearing was held in state court, and,
26 if so, state where the transcript is located in the record. If petitioner files a motion for an evidentiary

1 hearing, respondents shall file and serve a response to that motion concurrently with, but separate from,
2 their reply in support of their motion to dismiss or their response to petitioner's reply. Thereafter,
3 petitioner shall have twenty (20) days to file and serve a reply in support of the motion for an evidentiary
4 hearing.

5 6. **Status Reports and Status Conferences.** The court may from time to time, as the need
6 arises, schedule status conferences, and/or require the filing and service of status reports, in order to
7 manage the progress of this action.

8 DATED: August 12, 2015.

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11 _____
12 RICHARD F. BOULWARE, II
13 UNITED STATES DISTRICT JUDGE
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