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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 STEPHEN LEE CHOATE,

Case No. 2:16-cv-00813-RFB-GWF

6 Petitioner,

7 v.

ORDER

8 NEVADA ATTORNEY GENERAL, et al.,

9 Respondents.

10 This habeas matter is before the Court on Respondents' Motion for Enlargement of Time
11 (ECF No. 121) and Motion to Clarify Operative Petition (ECF No. 122).

12 On November 2, 2020, the Court entered an order reopening this case and setting a schedule
13 for the remaining briefing. (ECF No. 114.) The order instructed Respondents to respond to the
14 "Second Amended Petition (ECF No. 93)." (Id. at 4.)

15 Respondents seek clarification, pointing out that the Court's June 29, 2018 Order (ECF
16 No. 98) identified the operative petition as the Second Amended Petition (ECF No. 97), filed June
17 27, 2018. They also ask for an extension of time to update their forthcoming motion to dismiss
18 accordingly.

19 Upon review of the docket, the Court finds that clarification of the November 2, 2020 Order
20 (ECF No. 114) is necessary to correct a scrivener's error. ECF No. 93 is an "Amended Petition"
21 filed June 19, 2018—not Petitioner's *Second* Amended Petition (ECF No. 97), filed June 27, 2018,
22 which is the operative petition in this case.

23 **IT IS THEREFORE ORDERED:**

- 24 1. Respondents' Motion for Enlargement of Time (ECF No. 121) and Motion to Clarify
25 Operative Petition (ECF No. 122) are GRANTED.
- 26 2. The operative petition in this case is Petitioner's Second Amended Petition (ECF
27 No. 97), filed June 27, 2018.

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3. Respondents will have 60 days to answer or otherwise respond to the Second Amended Petition (ECF No. 97) in this case.
4. All other instructions and deadlines stated in the Court’s November 2, 2020 Order (ECF No. 114) remain in full effect.

DATED this 12th day of March, 2021.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE