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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHESTER DUDA,

Petitioner,

vs.

D. NEVEN, *et al.*,

Respondents.

2:16-cv-01176-JCM-CWH

ORDER

This habeas matter under 28 U.S.C. § 2254 comes before the court on petitioner’s motion (ECF No. 8) to submit additional claims.

The motion will be denied without prejudice. In order to seek to present additional claims, petitioner must file a motion for leave to file an amended petition that is accompanied by the proposed amended petition. The court will allow petitioner an opportunity to do so within the time allowed by this order, and the court will extend respondents’ current response deadline accordingly. All claims, old and new, must be presented in any such proposed amended petition. Piecemeal pleadings are not permitted.

IT THEREFORE IS ORDERED that petitioner’s motion (ECF No. 8) to submit additional claims is DENIED without prejudice to the presentation of a proper motion for leave to amend filed within the time period allowed by this order.

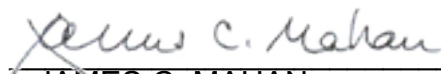
IT FURTHER IS ORDERED that petitioner shall have **sixty (60) days** from entry of this order within which to mail to the clerk for filing a motion for leave to amend the petition accompanied by the proposed amended petition.

1 IT FURTHER IS ORDERED that respondents' deadline for responding to the original
2 petition is extended to **one hundred twenty (120) days** from entry of this order, but said
3 deadline will be automatically vacated without the necessity of a further court order if
4 petitioner timely dispatches a motion for leave to amend, with the deadline then to be reset
5 by the court following a ruling on the motion.

6 IT FURTHER IS ORDERED that petitioner shall use the court's required Section 2254
7 petition form for any proposed amended petition presented and that he shall clearly title the
8 proposed amended petition as an amended petition by placing the word "AMENDED"
9 immediately above "Petition for a Writ of Habeas Corpus" on page 1 in the caption and shall
10 place the docket number, **2:16-cv-01176-JCM-CWH**, above the word "AMENDED." Under
11 local rule LR 15-1, the proposed amended petition must be complete in itself without
12 reference to previously filed papers. Thus, the claims and allegations that are stated in the
13 proposed amended petition will be the only matters remaining before the court if leave to
14 amend is granted. Any claims or allegations that are omitted from the proposed amended
15 petition and that are not re-alleged therein no longer will be before the court if leave to amend
16 is granted.

17 The clerk of court shall SEND petitioner: (a) two copies of a noncapital Section 2254
18 petition form with one copy of the instructions for the form; and (b) one copy of the original
19 petition with attached papers (*i.e.*, ECF No. 4) that he submitted.

20 DATED: November 22, 2016.

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24 _____
25 JAMES C. MAHAN
26 United States District Judge
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