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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MAX REED, II,

Petitioner,

Case No. 2:17-cv-00648-RFB-PAL

v.

ORDER

JO GENTRY,

Respondent.

Petitioner Max Reed, II has submitted a form for a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254 (ECF No. 1-1). Petitioner’s application to proceed *in forma pauperis* (ECF No. 1) shall be granted.

While petitioner completed the first two pages of the form, he failed to set forth any grounds for relief. Instead, he referred to the motion for stay and abeyance that he also submitted. However, petitioner may not seek a stay without an underlying federal petition to stay. He claims that he does not have full access to his state-court records. Yet he also indicates that he filed a direct appeal and a state postconviction petition and appeal of the denial of that petition. The Court grants petitioner leave to file an amended petition that sets forth his federal habeas grounds and briefly sets forth the factual basis for each ground.

The Court notes that petitioner is not required to file exhibits in support of his petition at this time. Moreover, when the court directs respondents to file a response to

1 Reed's petition, Habeas Rule 5 provides that respondents shall provide relevant portions
2 of the state-court record.

3 **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis*
4 (ECF No. 1) is **GRANTED**.

5 **IT IS FURTHER ORDERED** that the Clerk shall detach and file the petition (ECF
6 No. 1-1).

7 **IT IS FURTHER ORDERED** that the petition is **DISMISSED with leave to amend**
8 in conformance with this order. Petitioner shall file his amended petition within **sixty (60)**
9 **days** of the date of this order.

10 **IT IS FURTHER ORDERED** that the Clerk **shall send** to petitioner one copy of this
11 court's form § 2254 habeas petition (not death), one copy of the information and
12 instructions for filing a § 2254 habeas petition, and one copy of the papers petitioner has
13 filed in this action.

14 **IT IS FURTHER ORDERED** that petitioner is expressly advised that failure to file
15 an amended petition in conformance with this order shall result in the dismissal of this
16 action.

17 **IT IS FURTHER ORDERED** that petitioner's Rule 6 motion for leave to conduct
18 discovery (ECF No. 3) is **DENIED** without prejudice. As stated above, respondents shall
19 provide relevant portions of the state-court record when they are served and file a
20 response.

21 **IT IS FURTHER ORDERED** that petitioner's motion to extend time to file his
22 financial certificate (ECF No. 5) is **DENIED** as moot, as petitioner has complied with the
23 Court's order (ECF No. 4) and filed the completed financial certificate. (ECF No. 6-1). The
24 Court will construe petitioner's Motion for Leave to File (ECF No. 6) as a Motion to File,
25 and **GRANTS** the Motion.

26 DATED: 25 October 2017.

27 
28 RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE