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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MONTE LEE BURCH,  
  
v.  
  
RENEE BAKER, *et al.*,  
  
Respondents.

Case No. 2:17-cv-00656-MMD-VCF

ORDER

Petitioner has filed an application to proceed *in forma pauperis* (ECF No. 4). The court finds that petitioner is unable to pay the filing fee.

Petitioner has filed a motion for appointment of counsel. Petitioner is unable to afford counsel, and the issues presented warrant the appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B).

It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 4) is granted. Petitioner need not pay the filing fee of five dollars (\$5.00).

It is further ordered that the clerk of the court will file the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and the motion for appointment of counsel.

It is further ordered that the motion for appointment of counsel is granted. The Federal Public Defender is provisionally appointed to represent petitioner.

It is further ordered that the Federal Public Defender will have thirty (30) days from the date that this order is entered to undertake direct representation of petitioner or to indicate to the court his inability to represent petitioner in these proceedings. If the Federal Public Defender does undertake representation of petitioner, he will then have sixty (60)

1 days to file an amended petition for a writ of habeas corpus. If the Federal Public Defender  
2 is unable to represent petitioner, then the court will appoint alternate counsel.

3 It is further ordered that neither the foregoing deadline nor any extension thereof  
4 signifies or will signify any implied finding of a basis for tolling during the time period  
5 established. Petitioner at all times remains responsible for calculating the running of the  
6 federal limitation period under 28 U.S.C. § 2244(d)(1) and timely asserting claims.

7 It is further ordered that the clerk will add Adam Paul Laxalt, Attorney General for  
8 the State of Nevada, as counsel for respondents.

9 It is further ordered that the clerk will electronically serve both the Attorney General  
10 of the State of Nevada and the Federal Public Defender a copy of the petition and a copy  
11 of this order.

12 It is further ordered that respondents' counsel must enter a notice of appearance  
13 within twenty (20) days of entry of this order, but no further response shall be required  
14 from respondents until further order of the court.

15 It is further ordered that any exhibits filed by the parties must be filed with a  
16 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF  
17 attachments that are filed further must be identified by the number or numbers (or letter  
18 or letters) of the exhibits in the attachment. The hard copy of any additional state court  
19 record exhibits must be forwarded for this case to the staff attorneys in Las Vegas.

20 DATED THIS 22<sup>nd</sup> day of August 2017.



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22 MIRANDA M. DU  
23 UNITED STATES DISTRICT JUDGE  
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