

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3  
4 Shawn Pritchett,  
5 Petitioner  
6 v.  
7 Jo Gentry, et al.,  
8 Defendant

2:17-cv-01694-JAD-CWH  
Order Appointing Counsel, Approving  
Pauper Application, and Denying  
Request to Stay Proceedings  
[ECF Nos. 1, 2, 5]

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10 Petitioner Shawn Pritchett is serving a sentence of life without parole for his  
11 2010 state-court convictions for murder with a deadly weapon, robbery with a  
12 deadly weapon, and conspiracy. He applies to proceed in forma pauperis,<sup>1</sup> moves for  
13 appointment of counsel,<sup>2</sup> and petitions for a writ of habeas corpus under 28 U.S.C. §  
14 2254.<sup>3</sup>

15 Pritchett has already paid the \$5.00 filing fee, but he is unable to afford  
16 counsel, and the issues presented warrant the appointment of counsel.<sup>4</sup> Pritchett  
17 also moves to stay proceedings.<sup>5</sup> Because I appoint counsel to Pritchett, his counsel  
18 can decide which actions to take in this case, so I deny the motion to stay as moot.

19 Accordingly, IT IS HEREBY ORDERED that the application to proceed in  
20 forma pauperis [ECF No. 1] is GRANTED.

21 The Clerk of the Court is directed to DETACH and FILE the petition for a  
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23 <sup>1</sup> ECF No. 1.

24 <sup>2</sup> ECF No. 2.

25 <sup>3</sup> ECF No. 1-1.

26 <sup>4</sup> See 18 U.S.C. § 3006A(a)(2)(B) (2012).

27 <sup>5</sup> ECF No. 5.

1 writ of habeas corpus [ECF No. 1-1].

2 IT IS FURTHER ORDERED that Pritchett’s motion for appointment of  
3 counsel [ECF No. 2] is GRANTED. The Federal Public Defender is provisionally  
4 appointed to represent Pritchett. The Federal Public Defender has until November  
5 17, 2017, to undertake direct representation of Pritchett or to indicate its inability  
6 to represent him in these proceedings. If the Federal Public Defender represents  
7 Pritchett, it has until December 18, 2017, to file an amended petition for a writ of  
8 habeas corpus. If the Federal Public Defender is unable to represent Pritchett, then  
9 the court will appoint alternate counsel.

10 IT IS FURTHER ORDERED that neither the foregoing deadline nor any  
11 extended deadline signifies or will signify any implied finding of a basis for tolling  
12 during the time period established. Pritchett at all times remains responsible for  
13 calculating the running of the federal limitation period under 28 U.S.C. § 2244(d)(1)  
14 and timely asserting claims.

15 The Clerk of Court is directed to ADD Adam Paul Laxalt, Attorney General  
16 for the State of Nevada, as counsel for respondents.

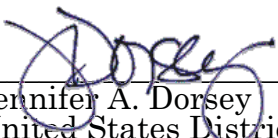
17 The Clerk of Court is also directed to electronically SERVE both the  
18 Attorney General of the State of Nevada and the Federal Public Defender a copy of  
19 the petition and a copy of this order.

20 Respondents’ counsel must enter a notice of appearance by November 7,  
21 2017, but no further response will be required from respondents until further order  
22 of the court.

23 IT IS FURTHER ORDERED that the hard copy of any electronically filed  
24 exhibits must be FORWARDED—for this case—to the staff attorneys in Las  
25 Vegas.

1 IT IS FURTHER ORDERED that Prichett's motion to stay proceedings [ECF  
2 No. 5] is DENIED as moot.

3 DATED: October 17, 2017.

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6 Jennifer A. Dorsey  
7 United States District Judge  
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