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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID AUGUST KILLE, SR.,

Case No. 2:17-cv-01805-RFB-NJK

Petitioner,

ORDER

vs.

BRIAN WILLIAMS, *et al.*,

Respondents.

This habeas matter under 28 U.S.C. § 2254 comes before the Court for initial review of petitioner's amended petition. (ECF No. 7.)

Following review, the Court concludes that the case likely would be most efficiently resolved based upon an answer that combines any procedural defenses raised together with respondents' response on the merits. This scheduling order therefore differs from the Court's more typical response order where the Court directs respondents to not combine procedural defenses with the merits. In this particular case, the Court instead wants to be able to consider all potential defenses – both any procedural defenses as well as on the merits – potentially at one sitting based upon a single consolidated response.

IT THEREFORE IS ORDERED that the Clerk of Court shall informally electronically serve the Nevada Attorney General with a copy of the amended petition and this order, along with regenerated notices of electronic filing of the remaining filings herein.

IT FURTHER IS ORDERED that respondents shall have **sixty (60) days** from entry of this order within which to respond to the petition. Any response filed shall comply with the remaining

1 provisions below, which are tailored to this particular case based upon the Court's screening of the
2 matter and which are entered pursuant to Habeas Rule 4.

3 **IT FURTHER IS ORDERED** that, for this particular case, respondents shall file an answer
4 that consolidates any procedural defenses raised together with their response on the merits, in a single
5 response presenting all defenses. Respondents shall specifically cite to and address the applicable state
6 court written decision and state court or administrative record materials, if any, regarding each claim
7 within the response as to that claim.

8 **IT FURTHER IS ORDERED** that respondents shall file a set of record exhibits relevant to
9 the response filed to the amended petition, in chronological order and with a separate index of exhibits
10 identifying the exhibits by number. The CM/ECF attachments that are filed further shall be identified
11 by the number or numbers of the exhibits within the attachment.

12 **IT FURTHER IS ORDERED** that counsel additionally shall send a hard copy of all exhibits
13 filed to, for this case, the Reno Clerk's Office.

14 **IT FURTHER IS ORDERED** that petitioner shall have **sixty (60) days** from service of the
15 answer to dispatch a reply to the Clerk of Court for filing.

16 **IT FURTHER IS ORDERED** that all requests for relief must be presented by a motion
17 satisfying the requirements of Rule 7(b) of the Federal Rules of Civil Procedure. The Court and the
18 Clerk do not respond to letters and do not take action based upon letters, other than a request for a status
19 check on a matter submitted for more than ninety days. Further, neither the Court nor the Clerk can
20 provide legal advice or instruction.

21 DATED: June 20, 2018.

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24 RICHARD F. BOULWARE, II
25 United States District Judge
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