

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LAFAYETTE D. HOLMES, JR.,  
Petitioner,  
v.  
JO GENTRY, et al.,  
Respondents.

Case No. 2:17-cv-01980-RFB-GWF

## ORDER

Petitioner has filed an amended petition for a writ of habeas corpus (ECF No. 12). He has also submitted a motion for appointment of counsel (ECF No. 13). 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 petitioner's motion for appointment of counsel (ECF No. 13) is **GRANTED**. The Federal Public Defender is provisionally appointed to represent petitioner.

IT IS FURTHER ORDERED that the Federal Public Defender shall 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 shall then have sixty (60) days to file a second

1 amended petition for a writ of habeas corpus. If the Federal Public Defender is unable to represent  
2 petitioner, then the court shall 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 established.  
5 Petitioner at all times remains responsible for calculating the running of the federal limitation period  
6 under 28 U.S.C. § 2244(d)(1) and timely asserting claims.

7 IT IS FURTHER ORDERED that the clerk shall add Adam Paul Laxalt, Attorney General  
8 for the State of Nevada, as counsel for respondents.

9 IT IS FURTHER ORDERED that the clerk shall electronically serve both the Attorney  
10 General 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 shall enter a notice of appearance  
13 within twenty (20) days of entry of this order, but no further response shall be required from  
14 respondents until further order of the court.

15 IT IS FURTHER ORDERED that the hard copy of any electronically filed exhibits shall be  
16 forwarded—for this case—to the staff attorneys in Las Vegas.

17 DATED: November 2, 2018.

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19 RICHARD F. BOULWARE, II  
20 United States District Judge

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