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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

RAY ANTONIO AZCARATE,  
Petitioner,  
v.  
BRIAN WILLIAMS, et al.,  
Respondents.

Case No. 2:17-cv-02190-RFB-GWF

**ORDER**

Petitioner has filed a notice of no intent to seek leave to file a second amended petition (ECF No. 23). Respondents will need to respond to the first amended petition (ECF No. 14).

IT THEREFORE IS ORDERED that respondents will have forty-five (45) days from the date of entry of this order to answer or otherwise respond to the first amended petition (ECF No. 14). Respondents must raise all potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and procedural default. Successive motions to dismiss will not be entertained.

IT FURTHER IS ORDERED that if respondents file and serve an answer, then they must comply with Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts. Petitioner then will have forty-five (45) days from the date on which the answer is served to file a reply.

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IT FURTHER IS ORDERED that if respondents file and serve a motion, then petitioner will have forty-five (45) days from the date of service of the motion to file a response to the motion. Respondents then will have twenty-one (21) days from the date of service of the response to file a reply.

DATED: February 21, 2019.



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RICHARD F. BOULWARE, II  
United States District Judge