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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 RAY ANTONIO AZCARATE,

10 Petitioner,

11 vs.

12 BRIAN WILLIAMS, et al.,

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

ORDER

15 Petitioner has paid the filing fee. He has also submitted a motion for appointment of counsel
16 (ECF No. 2). Petitioner is unable to afford counsel, and the issues presented warrant the appointment
17 of counsel. See 18 U.S.C. § 3006A(a)(2)(B).

18 **IT IS THEREFORE ORDERED** that the clerk of the court file the petition.

19 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel (ECF No.
20 2) is **GRANTED**. The Federal Public Defender is provisionally appointed to represent petitioner.

21 **IT IS FURTHER ORDERED** that the Federal Public Defender shall have **thirty (30) days**
22 from the date that this order is entered to undertake direct representation of petitioner or to indicate to
23 the court his inability to represent petitioner in these proceedings. If the Federal Public Defender does
24 undertake representation of petitioner, he shall then have **sixty (60) days** to file an amended petition
25 for a writ of habeas corpus. If the Federal Public Defender is unable to represent petitioner, then the
26 court shall appoint alternate counsel.
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1 **IT IS FURTHER ORDERED** that neither the foregoing deadline nor any extension thereof
2 signifies or will signify any implied finding of a basis for tolling during the time period established.
3 Petitioner at all times remains responsible for calculating the running of the federal limitation period
4 under 28 U.S.C. § 2244(d)(1) and timely asserting claims.

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

7 **IT IS FURTHER ORDERED** that the clerk shall electronically serve both the Attorney
8 General of the State of Nevada and the Federal Public Defender a copy of the petition and a copy of this
9 order.

10 **IT IS FURTHER ORDERED** that respondents' counsel shall enter a notice of appearance
11 within **twenty (20) days** of entry of this order, but no further response shall be required from
12 respondents until further order of the court.

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

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16 DATED: October 24, 2017



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RICHARD F. BOULWARE, II
United States District Judge