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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RYAN L. DELAPINIA,

Petitioner,

v.

BRIAN E. WILLIAMS, SR., *et al.*,

Respondents.

Case No. 2:17-cv-02376-MMD-CWH

ORDER

Petitioner has filed a motion for appointment of counsel (ECF No. 5) and an application to proceed *in forma pauperis* (ECF No. 7). Petitioner is unable to afford counsel, and the issues presented warrant the appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B).

Petitioner also has filed a motion to file protective petition, holding proceedings in abeyance, and administratively closing case (ECF No. 3). This motion is moot because the Court is appointing counsel, who will make the decisions how to proceed with this case.

It is therefore ordered that the Clerk of the Court file the petition.

It is further ordered that petitioner's application to proceed *in forma pauperis* (ECF No. 7) is granted.

It is further ordered that petitioner's motion to file protective petition, holding proceedings in abeyance, and administratively closing case (ECF No. 3) is denied as moot.

1 It is further ordered that petitioner's motion for appointment of counsel (ECF No.
2 5) is granted. The Federal Public Defender is provisionally appointed to represent
3 petitioner.

4 It is further ordered that the Federal Public Defender will have thirty (30) days from
5 the date that this order is entered to undertake direct representation of petitioner or to
6 indicate to the Court his inability to represent petitioner in these proceedings. If the
7 Federal Public Defender does undertake representation of petitioner, he will then have
8 sixty (60) days to file an amended petition for a writ of habeas corpus. If the Federal Public
9 Defender is unable to represent petitioner, then the Court will appoint alternate counsel.

10 It is further ordered that neither the foregoing deadline nor any extension thereof
11 signifies or will signify any implied finding of a basis for tolling during the time period
12 established. Petitioner at all times remains responsible for calculating the running of the
13 federal limitation period under 28 U.S.C. § 2244(d)(1) and timely asserting claims.


14 It is further ordered that the Clerk add Adam Paul Laxalt, Attorney General for the
15 State of Nevada, as counsel for respondents.

16 It is further ordered that the Clerk electronically serve both the Attorney General of
17 the State of Nevada and the Federal Public Defender a copy of the petition and a copy of
18 this order.

19 It is further ordered that respondents' counsel must enter a notice of appearance
20 within twenty (20) days of entry of this order, but no further response will be required from
21 respondents until further order of the Court.

22 It is further ordered that the hard copy of any electronically filed exhibits must be
23 forwarded—for this case—to the staff attorneys in Las Vegas.

24 DATED THIS 7th day of November 2017.

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27 _____
28 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE