

1 habeas proceedings. McCleskey v. Zant, 499 U.S. 467, 495 (1991). The factors to consider are
2 not separate from the underlying claims, but are intrinsically enmeshed with them. Weygandt,
3 718 F.2d at 954. The court finds that appointment of counsel is not warranted.

4 IT THEREFORE IS ORDERED that the application to proceed in forma pauperis (ECF
5 No. 1) is GRANTED. Petitioner need not pay the filing fee of five dollars (\$5.00).

6 IT FURTHER IS ORDERED that the clerk of the court shall file the petition for a writ of
7 habeas corpus pursuant to 28 U.S.C. § 2254.

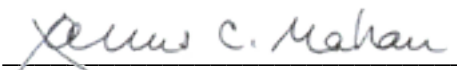
8 IT FURTHER IS ORDERED that the clerk shall add Adam Paul Laxalt, Attorney General
9 for the State of Nevada, as counsel for respondents.

10 IT FURTHER IS ORDERED that the clerk shall electronically serve upon respondents a
11 copy of the petition and this order. In addition, the clerk shall return to petitioner a copy of the
12 petition.

13 IT FURTHER IS ORDERED that respondents shall have forty-five (45) days from the
14 date on which the petition was served to answer or otherwise respond to the petition.
15 Respondents shall raise all potential affirmative defenses in the initial responsive pleading,
16 including untimeliness, lack of exhaustion, and procedural default. Successive motions to dismiss
17 will not be entertained. If respondents file and serve an answer, then they shall comply with Rule
18 5 of the Rules Governing Section 2254 Cases in the United States District Courts, and then
19 petitioner shall have forty-five (45) days from the date on which the answer is served to file a
20 reply. If respondents file a motion, then petitioner will have fourteen (14) days to file a response
21 to the motion, and respondents will have seven (7) days from the date of filing of the response to
22 file a reply.

23 IT FURTHER IS ORDERED that, notwithstanding Local Rule LR IC 2-2(g) paper copies
24 of any electronically filed exhibits need not be provided to chambers or to the staff attorney,
25 unless later directed by the Court.

26 DATED: May 29, 2018.

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28 JAMES C. MAHAN
United States District Judge