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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ROGER RANDOLPH,
Petitioner,
v.
RENEE BAKER, et al.,
Respondents.

Case No. 2:18-cv-00449-RFB-VCF

ORDER

This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by Nevada state prisoner Roger Randolph. On June 1, 2018, this court granted petitioner's motion for counsel and appointed the Federal Public Defender to represent petitioner in this action (ECF No. 7). On June 18, 2018, Megan Hoffman of the Federal Public Defender's Office appeared on behalf of petitioner (ECF No. 10). As the court had not yet issued a scheduling order, counsel for petitioner filed a motion for leave to file a first-amended petition and included the proposed amended petition (ECF No. 11). Ms. Hoffman explains that the AEDPA statute of limitations appears to expire imminently, and therefore, she submitted a proposed amended petition to, at a minimum, preserve the claims that Randolph presented to the state courts. Counsel also filed a motion for scheduling order to permit petitioner to file a second-amended petition after counsel has an opportunity to meet with Randolph and prepare an amended petition that fully reflects counsel's considered judgment (ECF No. 12). Good cause appearing, the motions shall be granted.

IT IS THEREFORE ORDERED that petitioner's motion for leave to file a first-amended petition (ECF No. 11) is **GRANTED**. The Clerk shall detach and file the first-amended petition at ECF No. 11-1.

1 **IT IS FURTHER ORDERED** that petitioner's motion for scheduling order (ECF No.
2 12) is **GRANTED**. Counsel for petitioner shall meet with petitioner as soon as reasonably
3 possible, if counsel has not already done so, to: (a) review the procedures applicable in
4 cases under 28 U.S.C. § 2254; (b) discuss and explore with petitioner, as fully as possible,
5 the potential grounds for habeas corpus relief in petitioner's case; and (c) advise petitioner
6 that all possible grounds for habeas corpus relief must be raised at this time in this action
7 and that the failure to do so will likely result in any omitted grounds being barred from
8 future review.

9 **IT IS FURTHER ORDERED** that petitioner shall have **ninety (90) days** from the
10 date of this order to FILE AND SERVE on respondents a second-amended petition for
11 writ of habeas corpus, if any, which shall include all known grounds for relief (both
12 exhausted and unexhausted).

13 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45) days**
14 after service of a second-amended petition within which to answer, or otherwise
15 respond to, the amended petition. If petitioner does not file a second-amended petition,
16 respondents shall have forty-five (45) days from the date on which the second-amended
17 petition is due within which to answer, or otherwise respond to, petitioner's first-
18 amended petition.

19 **IT IS FURTHER ORDERED** that, if and when respondents file an answer or other
20 responsive pleading, petitioner shall have **thirty (30) days** after service of the answer or
21 responsive pleading to file and serve his response.

22 **IT IS FURTHER ORDERED** that any state court record exhibits filed by the parties
23 herein shall be filed with an index of exhibits identifying the exhibits by number or letter.
24 The CM/ECF attachments that are filed shall further be identified by the number or letter
25 of the exhibit in the attachment.

26 **IT IS FURTHER ORDERED** that the parties **SHALL SEND** courtesy copies of all
27 exhibits to the Reno Division of this court. Courtesy copies shall be mailed to the Clerk
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of Court, 400 S. Virginia St., Reno, NV, 89501, and directed to the attention of “Staff Attorney” on the outside of the mailing address label. Additionally, in the future, all parties shall provide courtesy copies of any additional exhibits submitted to the court in this case, in the manner described above.

DATED: 19th day of June, 2018.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE