



1 litigation have followed over how to treat people who received the *Kazalyn* instruction, either  
2 before the *Kazalyn* decision or after it. In a matter this complicated, counsel will be of assistance  
3 to Hines in developing his claim. Thus, the appointment of counsel is warranted.

4 I THEREFORE ORDER the clerk of the court to file the petition for a writ of habeas  
5 corpus, currently in the docket at ECF No. 1-1.

6 I FURTHER ORDERED that the motion for appointment of counsel (**ECF No. 3**) is  
7 **GRANTED.**

8 I FURTHER ORDER that the Federal Public Defender is appointed provisionally a  
9 counsel. The Federal Public Defender will have 30 days from the entry of this order to either  
10 undertake representation of Hines or indicate to the court the office's inability to represent him.  
11 If the Federal Public Defender is unable to represent Hines, I will appoint alternate counsel,  
12 subject again to establishment of financial eligibility. I will set a deadline for filing an amended  
13 petition or a motion seeking other relief after counsel has appeared. I anticipate setting the  
14 deadline for 120 days after entry of the formal order of appointment. I do not mean to signify  
15 any implied finding of tolling by setting any deadlines or granting any extensions. Hines always  
16 remains responsible for calculating the limitation period of 28 U.S.C. § 2244(d)(1) and timely  
17 presenting claims. Neither do I suggest that the petition is not subject to dismissal as untimely.  
18 *See Sossa v. Diaz*, 729 F.3d 1225, 1235 (9th Cir. 2013).

19 I FURTHER ORDER the clerk to add Aaron Ford, Attorney General for the State of  
20 Nevada, as counsel for the respondents.

21 I FURTHER ORDER the clerk to electronically serve both the Attorney General of the  
22 State of Nevada and the Federal Public Defender with copies of the petition and this order.

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1 I FURTHER ORDER that the respondents' counsel must enter a notice of appearance  
2 within 21 days of entry of this order, but no further response will be required from the  
3 respondents until further order of the court.

4 I FURTHER ORDER the clerk to provide copies of all prior filings to both the Attorney  
5 General and the Federal Public Defender in a manner consistent with the clerk's current practice,  
6 such as regeneration of notices of electronic filing.

7 DATED this 12th day of February, 2020.

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11 ANDREW P. GORDON  
12 UNITED STATES DISTRICT JUDGE  
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