

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BILLY RAY RILEY,

Petitioner,

3:01-cv-00096-RCJ-VPC

vs.

**ORDER**

TIMOTHY FILSON, *et al.*,

Respondents.

\_\_\_\_\_ /

In this capital habeas corpus action, the petitioner, Nevada prisoner Billy Ray Riley, is represented by the Federal Public Defender for the District of Nevada (FPD). On August 19, 2016, pursuant to the order of the Ninth Circuit Court of Appeals in *Riley v. McDaniel*, 786 F.3d 719 (2015), this Court ordered judgment entered in favor of Riley, and judgment was entered on that date. *See* Order entered August 19, 2016 (ECF No. 238); Judgment (ECF No. 239).

On July 18, 2017, and again on August 28, 2017, Riley, acting on his own behalf, filed a request for copies of documents from the Court’s file in this case, including a copy of the August 19, 2017, order and judgment (ECF Nos. 257, 258).

The Court’s local rules state:

A party who has appeared by attorney cannot while so represented appear or act in the case. This means that once an attorney makes an appearance on behalf of a party, that party may not personally file a document with the court; all filings must thereafter be made by the attorney.

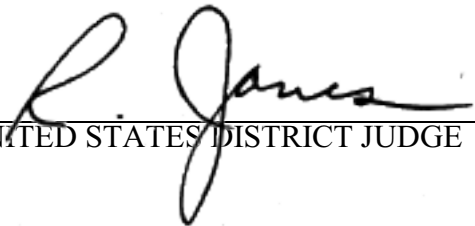
1 LR IA 11-6(a). In accord with this local rule, the Court will deny Riley's requests. Riley must request  
2 from his counsel copies of documents relative to this case.

3 On September 12, 2017, Riley, again acting on his own behalf, filed a "Motion to Dismiss" (ECF  
4 No. 259). In that motion, Riley expresses that he believes the State has not timely initiated proceedings  
5 toward a new trial as required by the judgment in this action, and he moves the Court to take some action  
6 to enforce the judgment. Here again, the Court will not entertain such a motion by Riley on his own  
7 behalf. Riley has counsel. Riley must communicate with his counsel regarding the State's compliance  
8 with the judgment, and, if Riley feels the State is not in compliance, Riley's counsel may make an  
9 appropriate motion on his behalf.

10 **IT IS THEREFORE ORDERED** that petitioner's requests for copies (ECF Nos. 257, 258)  
11 are **DENIED**.

12 **IT IS FURTHER ORDERED** that petitioner's Motion to Dismiss (ECF No. 259) is **DENIED**.

13  
14  
15 **DATED: This 28th day of September, 2017.**

16  
17   
18 \_\_\_\_\_  
19 UNITED STATES DISTRICT JUDGE  
20  
21  
22  
23  
24  
25  
26