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**UNITED STATES DISTRICT COURT**

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**DISTRICT OF NEVADA**

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9 MARK ROGERS,

10       Petitioner,

3:02-cv-00342-GMN-VPC

11 vs.

12 TIMOTHY FILSON, *et al.*,

13       Respondents.

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16       In this capital habeas corpus action, the respondents filed an answer on May 8, 2017 (ECF  
17 No. 203), and the petitioner, Mark Rogers, filed a reply on June 7, 2017 (ECF No. 205). In addition,  
18 Rogers filed a motion for an evidentiary hearing on June 7, 2017 (ECF No. 204), and that motion is  
19 now fully briefed (ECF Nos. 207, 209).

20       On July 7, 2017, respondents filed a Motion to Amend Order (ECF No. 210), in which they  
21 essentially request leave of court to file a response to Rogers' reply. On July 7, 2017, respondents  
22 also filed a Motion for Leave to Supplement (ECF No. 211), requesting leave to file a supplement to  
23 their answer. Respondents filed the proposed supplement to their answer on July 7, 2017, as well  
24 (ECF No. 212). Respondents explain that they wish to file the response to Rogers' reply in order to  
25 respond to legal argument and citations presented for the first time in the reply, and they explain that  
26 they wish to file the supplement to their answer in order to present argument based on the recent

1 Supreme Court decision in *Davila v. Davis*, 2017 WL 2722418 (June 26, 2017). Good cause  
2 appearing,

3 **IT IS THEREFORE ORDERED** that respondents' Motion to Amend Order (ECF No. 210)  
4 is **GRANTED**. Respondents will have **30 days** from the date of this order to file a response to  
5 petitioner's reply. The Court will not be inclined to extend this deadline.

6 **IT IS FURTHER ORDERED** that respondents' Motion for Leave to Supplement  
7 Respondents' Answer with New Authority (ECF No. 211) is **GRANTED**. As respondents have  
8 already filed the supplement to their answer (ECF No. 212), no further action is required in this  
9 regard.

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11 Dated this 10 day of July, 2017.

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15 UNITED STATES DISTRICT JUDGE  
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