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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JERRY WHITE,
Petitioner,
vs.
E.K. McDANIEL, *et al.*,
Respondents.

Case No. 3:04-cv-0412-GMN-RAM
ORDER

This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner represented by counsel.

On March 8, 2011, this Court ruled that actual innocence claims in the first successor petition were unexhausted. (ECF No. 91). This Court granted petitioner a stay and abeyance under *Rhines v. Weber*, 544 U.S. 269 (2005). (*Id.*). The instant case was administratively closed pending the exhaustion of petitioner’s actual innocence claims in the Nevada state courts. (*Id.*).

Petitioner’s further state court proceedings having concluded, petitioner has returned to this Court seeking to reopen this case. (ECF No. 94). Petitioner concurrently filed a motion to amend the successor petition. (ECF No. 96). Attached to petitioner’s motion to amend is a proposed amended successor petition. (ECF No. 96, at pp. 8-35). Petitioner has also filed supplemental exhibits in support of the motion to reopen the case and in support of the proposed amended successor petition. (ECF Nos. 95 & 99). Pursuant to Rule 15 of the Federal Rules of Civil

1 Procedure, petitioner's motion to file an amended successor petition is granted. Good cause
2 appearing, this action is reopened and the Court now sets a further briefing schedule for this action.

3 **IT IS THEREFORE ORDERED** that petitioner's motion to reopen this action (ECF No.
4 94) is **GRANTED**.

5 **IT IS FURTHER ORDERED** that, as the stay is lifted by this order, the Clerk of Court
6 **SHALL REOPEN THE FILE** in this action.

7 **IT IS FURTHER ORDERED** that petitioner's motion to file an amended successor
8 petition (ECF No. 96) is **GRANTED**. Petitioner **SHALL FILE** an amended successor petition
9 within **thirty (30) days** from the date of entry of this order.

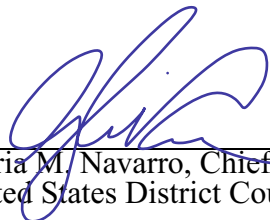
10 **IT IS FURTHER ORDERED** that within **forty-five (45) days** of being served with the
11 amended successor petition, respondents shall answer, or otherwise respond to, the amended
12 successor petition.

13 **IT IS FURTHER ORDERED** that once an answer is filed, petitioner shall have **forty-five**
14 **(45) days** following service of the answer to file and serve a reply brief. If a dispositive motion is
15 filed in response to the amended successor petition, the parties shall brief the motion in accordance
16 with Local Rule 7-2.

17 **IT IS FURTHER ORDERED** that petitioner **SHALL SEND** courtesy (paper) copies of the
18 exhibits filed at ECF No. 99 to the Reno Division of this Court. The parties **SHALL SEND**
19 courtesy copies of any further exhibits filed in this action to the **Reno** Division of this Court.
20 Courtesy copies shall be mailed to the Clerk of Court, 400 S. Virginia St., Reno, NV, 89501, and
21 directed to the attention of "Staff Attorney" on the outside of the mailing address label.

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Dated this 29 day of June, 2017.



Gloria M. Navarro, Chief Judge
United States District Court