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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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11 PETER QUINN ELVIK,)

12 Petitioner,)

3:04-cv-0471-RCJ-RAM

13 vs.)

14 DON BUNCE, *et al.*,)**ORDER**

15 Respondents.)

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On September 27, 2007, this Court dismissed the second amended habeas corpus petition as untimely. (Docket #60). Judgment was entered the same date. (Docket #61).

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In a memorandum opinion, filed June 16, 2009, the Court of Appeals for the Ninth Circuit reversed this Court's dismissal of the petition. (Docket #65). Specifically, the Court of Appeals held that petitioner is entitled to equitable tolling of the AEDPA statute of limitations, and remanded the action to this Court "to consider the merits of Elvik's petition for habeas corpus."

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(Docket #65, at p. 3). The Court of Appeals issued its mandate on August 4, 2009. (Docket #68).

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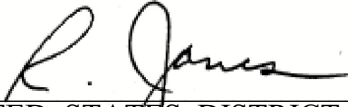
IT IS THEREFORE ORDERED that respondents **SHALL FILE AN ANSWER** addressing the merits of all claims in the second amended petition within **thirty (30) days** from the date of entry of this order.

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IT IS FURTHER ORDERED that petitioner's reply to the answer is due within **thirty (30) days** from the date of being served with the answer.

Dated this 26 th day of October, 2009.



UNITED STATES DISTRICT JUDGE

(ec1)