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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

BRENDAN NASBY,

Petitioner,

v.

E.K. MCDANIEL, et al.,

Respondents.

Case No. 3:07-cv-00304-LRH-WGC

ORDER

This counseled habeas matter is pending before the Court for merits review. Current counsel was appointed while this action was on appeal before the Ninth Circuit. As the record reflects, the operative petition is petitioner’s original, *pro se* petition, despite the fact that petitioner was previously represented by counsel in this matter and prior federal counsel was given leave to file an amended petition on his behalf. In his reply, petitioner asserts that his prior federal counsel inadequately represented him and argues that “any shortfalls in [the] original pro per petition must be excused for lack of meaningful access to legal resources, or [petitioner] must be able to use this Reply brief and/or a future supplemental petition to cure any alleged errors in pleading his habeas claims herein.” (ECF No. 127 at 5). The Court understands petitioner to be asking for leave to amend his petition, albeit in the incorrect manner. Nevertheless, in light of the history of this particular case, the Court is considering granting petitioner’s request. However, respondents should have an opportunity to respond to petitioner’s request. IT IS THEREFORE ORDERED that, within twenty days of the date of this order, respondents shall file a response to petitioner’s request to amend the petition.

IT IS SO ORDERED.

DATED this 21st day of February, 2019.



LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE