

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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GREGORY BOLIN,

Case No. 3:07-00481-MMD-CLB

Petitioner,

v.

ORDER

CALVIN JOHNSON,<sup>1</sup> *et al.*,

Respondents.

On April 26, 2021, the United States Court of Appeals for the Ninth Circuit issued a decision concluding that this Court applied the incorrect standard in denying Petitioner Bolin's motion for stay and abeyance under *Rhines v. Weber*, 544 U.S. 269 (2005). (ECF No. 259.) As a result, the Ninth Circuit reversed and remanded for this Court "to apply the proper standard in ruling on Bolin's *Rhines* motion." (*Id.* at 9.)

As discussed in the decision, this Court denied Bolin's stay request without the benefit of subsequent case law providing guidance as to the proper standard. (*Id.* at 7-9 (first citing *Blake v. Baker*, 745 F.3d 977 (9th Cir. 2014), and then citing *Dixon v. Baker*, 847 F.3d 714 (9th Cir. 2017).) Consequently, the Court will allow the parties to update their arguments considering the current case law governing the application of *Rhines*.

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<sup>1</sup>Based on a Nevada Department of Corrections Inmate Search (<https://ofdsearch.doc.nv.gov/form.php>), Petitioner Bolin is currently housed at High Desert State Prison. Thus, the warden of that facility, Calvin Johnson, is substituted for Renee Baker as the primary Respondent. See *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004) (noting that the default rule is that the proper respondent is the warden of the facility where the prisoner is being held).

1 It is therefore ordered that Bolin has 60 days from the date this order is entered to  
2 file a renewed motion for stay and abeyance.

3 It is further ordered that Respondents will have 60 days following service of the  
4 motion to file a response. Bolin will thereafter have 30 days to file a reply.

5 The Clerk of Court is directed to reopen this case.

6 DATED THIS 21<sup>st</sup> Day of May 2021.

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9 MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE