

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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GREGORY BOLIN,

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

v.

**Petitioner:**

## ORDER

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

## Respondents.

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

17 As discussed in the decision, this Court denied Bolin’s stay request without the  
18 benefit of subsequent case law providing guidance as to the proper standard. (*Id.* at 7-9  
19 (first citing *Blake v. Baker*, 745 F.3d 977 (9th Cir. 2014), and then citing *Dixon v. Baker*,  
20 847 F.3d 714 (9th Cir. 2017).) Consequently, the Court will allow the parties to update  
21 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).

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

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

The Clerk of Court is directed to reopen this case.

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

*John*

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MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE