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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JEREMY DALE MCCASKILL,

*Petitioner,*

vs.

MICHAEL BUDGE, *et al.*,

*Respondents.*

3:08-cv-00687-ECR-WGC

ORDER

This habeas matter under 28 U.S.C. § 2254 comes before the Court following initial review under Rule 4 of the Rules Governing Section 2254 Cases (the “Habeas Rules”) of the third amended petition (#54). Following upon said review, a response will be directed.

IT THEREFORE IS ORDERED that, on or before **March 9, 2012**, respondents shall answer, or otherwise respond to the amended petition, including by motion to dismiss. **Any response filed shall comply with the remaining provisions below, which are tailored to this particular case based upon the Court’s screening of the amended petition and which are entered pursuant to Habeas Rule 4.**

IT FURTHER IS ORDERED that any procedural defenses raised by respondents in this case shall be raised together in a single consolidated motion to dismiss, including any defenses based upon lack of exhaustion, lack of relation back and untimeliness, and/or procedural default. Procedural defenses omitted from such motion to dismiss will be subject to potential waiver. Respondents shall not file a response in this case that consolidates their

1 procedural defenses, if any, with their response on the merits, except pursuant to 28 U.S.C.  
2 § 2254(b)(2) as to any unexhausted claims clearly lacking merit.

3 IT FURTHER IS ORDERED that, in any answer filed on the merits, respondents shall  
4 specifically cite to and address the applicable state court written decision and state court  
5 record materials, if any, regarding each claim within the response as to that claim.

6 IT FURTHER IS ORDERED that, also on or before **March 9, 2012**, respondents shall  
7 file copies of any additional state court record materials – if any — necessary to consideration  
8 of the claims and defenses raised, over and above the exhibits filed at ##62-72. The parties  
9 hereafter shall cite **only** to the state court record materials that are filed by respondents and  
10 shall disregard ## 55-59 in citing to the state court record in their filings hereafter.

11 IT FURTHER IS ORDERED that petitioner shall have until **April 13, 2012**, to file an  
12 opposition to any motion to dismiss filed or a reply if an answer is filed. If respondents move  
13 to dismiss and an opposition is filed, respondents shall have until **April 30, 2012**, to file a  
14 reply.

15 **The deadlines established herein will be extended only in the most extraordinary**  
16 **of circumstances. Any extensions needed because of conflicts with the demands of**  
17 **other cases in this Court should be sought in the later-filed case. While the Court will**  
18 **be unable to resolve all aspects of this case by March 30, 2012, it will be seeking to do**  
19 **so, at the very latest, no later than September 28, 2012.**

20 DATED: January 26, 2012.

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24 EDWARD C. REED  
25 United States District Judge  
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