

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JODY BACON,
Petitioner,
vs.
JACK PALMER, *et al.*
Respondents.

3:09-cv-00245-LRH-RAM

ORDER

This matter comes before the Court for initial review of the amended petition (#8) under Rule 4 of the Rules Governing Section 2254 Cases. Following upon initial review, service will be ordered, subject to the provisions herein.

IT THEREFORE IS ORDERED that the Clerk of Court shall add Attorney General Catherine Cortez Masto as counsel for respondents and shall make informal electronic service of this order, together with electronic attachments of ## 8 & 13, upon respondents via a notice of electronic filing.

IT FURTHER IS ORDERED that respondents shall have thirty (30) days from entry of this order within which to answer, or otherwise respond to, the 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 and which are entered pursuant to Rule 4 of the Rules Governing Section 2254 Cases.

IT FURTHER IS ORDERED that any procedural defenses raised in this case shall be raised together in a single motion to dismiss. Respondents shall not file a response in this case that consolidates their procedural defenses, if any, with their response on the merits.

1 IT FURTHER IS ORDERED that respondents shall file – and serve upon petitioner – copies
2 of the state court record exhibits relevant to the response.

3 IT FURTHER IS ORDERED that the exhibits filed herein by respondents shall be filed with
4 a separate index of exhibits identifying the exhibits by number. The CM/ECF attachments that are filed
5 further shall be identified by the number or numbers of the exhibits in the attachment, in the same
6 manner as in No. 3:06-cv-00087-ECR-VPC, ## 25-71. The purpose of this provision is so that the
7 Court and any reviewing court thereafter will be able to quickly determine from the face of the
8 electronic docket sheet which exhibits are filed in which attachments.

9 IT FURTHER IS ORDERED that counsel additionally shall send a courtesy copy hard copy of
10 the exhibits to, for this case, the Las Vegas Clerk's Office, with a cover sheet that clearly states
11 "Courtesy Copy – To Staff Attorney."

12 IT FURTHER IS ORDERED that petitioner shall have thirty (30) days from service of the
13 answer, motion to dismiss, or other response to mail a reply or opposition to the Clerk for filing. The
14 deadlines established herein shall override any shorter deadlines established in any form order issued
15 under the *Klinge* decision.

16 IT FURTHER IS ORDERED that henceforth, petitioner shall serve upon respondents or, if
17 appearance has been entered by counsel, upon the individual deputy attorney general identified in the
18 notice of appearance, at the address stated therein, a copy of every pleading, motion or other document
19 submitted for consideration by the Court. Petitioner shall include with the original paper submitted for
20 filing a certificate stating the date that a true and correct copy of the document was mailed to
21 respondents or counsel for respondents. The Court may disregard any paper received by a district judge
22 or magistrate judge which has not been filed with the Clerk, and any paper received by a district judge,
23 magistrate judge or the Clerk which fails to include an appropriate certificate of service.

24 DATED this 6th day of April, 2011.

25
26
27
28


LARRY R. HICKS
UNITED STATES DISTRICT JUDGE