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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TIMMY JOHN WEBER,

Petitioner,

3:11-cv-0104-PMP-RAM

vs.

**ORDER**

E.K. McDANIEL, *et al.*,

Respondents.

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This order is issued pursuant to Federal Rule of Civil Procedure 16(b), the Rules Governing Section 2254 Cases in the United States District Courts, and Local Rule 16-1.

On June 27, 2011, the court held a status conference in this action. Counsel for petitioner and counsel for respondents appeared at the conference. At the conference, counsel addressed the anticipated course of proceedings in this action.

**IT IS ORDERED:**

- Amended Petition.** If necessary, petitioner shall file and serve an amended petition for a writ of habeas corpus on or before **October 7, 2011**. The amended petition shall contain all known grounds for relief, both exhausted and unexhausted. The amended petition shall specifically state whether each ground for relief has been exhausted in state court; for each claim that has been exhausted in state court, the amended petition shall state how, when, and where that occurred.

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1 If petitioner determines that an amended petition need not be filed, then, when the amended petition  
2 is due, petitioner shall file and serve a statement to that effect.

3       2.       **Response to Petition.** Respondents shall have **60 days** following service of the  
4 amended petition to file and serve an answer or other response to the amended petition. If petitioner  
5 does not file an amended petition, respondents shall have **60 days** following the due-date for the  
6 amended petition to file and serve an answer or other response to the original petition.

7       3.       **Reply and Response to Reply.** Petitioner shall have **45 days** following service of  
8 an answer to file and serve a reply. Respondents shall thereafter have **30 days** following service of a  
9 reply to file and serve a response to the reply.

10       4.       **Briefing of Motion to Dismiss.** If respondents file a motion to dismiss, petitioner  
11 shall have **30 days** following service of the motion to file and serve an opposition to the motion.  
12 Respondents shall thereafter have **30 days** following service of the opposition to file and serve a  
13 reply.

14       5.       **Discovery.** If petitioner wishes to move for leave to conduct discovery, petitioner  
15 shall file and serve such motion concurrently with, but separate from, the response to respondents'  
16 motion to dismiss or the reply to respondents' answer. Any motion for leave to conduct discovery  
17 filed by petitioner before that time may be considered premature, and may be denied, without  
18 prejudice, on that basis. Respondents shall file and serve a response to any such motion  
19 concurrently with, but separate from, their reply in support of their motion to dismiss or their  
20 response to petitioner's reply. Thereafter, petitioner shall have 20 days to file and serve a reply in  
21 support of the motion for leave to conduct discovery. If the court grants petitioner leave to conduct  
22 discovery, the court will then establish time limits for the completion of the authorized discovery.

23       6.       **Evidentiary Hearing.** If petitioner wishes to request an evidentiary hearing,  
24 petitioner shall file and serve a motion for an evidentiary hearing concurrently with, but separate  
25 from, the response to respondents' motion to dismiss or the reply to respondents' answer. Any  
26 motion for an evidentiary hearing filed by petitioner before that time may be considered premature,

