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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GILES K.J. MANLEY,
Petitioner,

vs.

ELY STATE PRISON WARDEN, *et al.*,
Respondents.

3:11-cv-00354-HDM-WGC

ORDER

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding with representation of counsel. On May 18, 2011, this court received petitioner's *pro se* petition. On June 16, 2011, the court appointed counsel to represent petitioner. (ECF No. 7.) On July 15, 2011, attorney Megan Hoffman filed a notice of appearance as counsel for petitioner. (ECF No. 9.) On August 18, 2011, petitioner paid the required filing fee for this action. (ECF No. 11.)

IT IS THEREFORE ORDERED that the clerk shall **ELECTRONICALLY SERVE** the *pro se* petition (ECF No. 8) upon the respondents. Respondents' counsel shall enter a notice of appearance herein within twenty (20) days of entry of this order.

IT IS FURTHER ORDERED that counsel for petitioner **SHALL FILE AND SERVE** a first amended petition for writ of habeas corpus within **ninety (90) days** of the entry of this order. The first amended petition shall include all known grounds for relief (both exhausted and unexhausted).

IT IS FURTHER ORDERED that respondents shall have **forty-five (45) days** from the date

1 of service of the first amended petition within which to answer, or otherwise respond to, the petition.
2 In their answer or other response, respondents shall address any claims presented by petitioner in his
3 petition as well as any claims presented by petitioner in any statement of additional claims. Respondents
4 shall raise all potential affirmative defenses in the initial responsive pleading, including lack of
5 exhaustion and procedural default. **Successive motions to dismiss will not be entertained.** If an
6 answer is filed, respondents shall comply with the requirements of Rule 5 of the Rules Governing
7 Proceedings in the United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner
8 shall have **forty-five (45) days** from the date of service of the answer to file a reply.

9 Dated, this 19th day of September, 2011.

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12 UNITED STATES DISTRICT JUDGE
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