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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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PASQUAL LOZANO,

Case No. 3:12-cv-00574-MMD-VPC

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Petitioner,

ORDER

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v.

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WARDEN LEGEAND, et al.,

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Respondents.

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Petitioner has submitted a request for extension of time (dkt. no.19). The Court grants this motion. Petitioner asks for a briefing schedule after the filing of his petition, but the Court will not set one until it orders the respondents to respond.

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Petitioner stated that he wants to file a supplemental petition. Assuming that petitioner uses the term "supplemental" as it is used in Rule 15 of the Federal Rules of Civil Procedure, the Court must emphasize that petitioner needs to file a second amended petition, which will raise all claims that petitioner wishes to present and which will supersede the *pro se* amended petition (dkt. no. 13). Petitioner has constructed his *pro se* amended petition (dkt. no. 13) with photocopies of what appear to be his briefs on direct appeal and on the appeal from the denial of his state habeas corpus petition. Those briefs cite to appellate appendices that this Court does not possess. If the *pro se* amended petition (dkt. no. 13) remains an operative petition, the parties will need to piece together the citations through the exhibits that petitioner submits, perhaps missing something important. If, in counsel's judgment, petitioner wishes to simply re-allege the grounds in the amended petition, he may do so, but he should cite to the exhibits that


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he submits in support of the second amended petition. That will ensure that the Court and the parties are all referring to the same items in the ensuing litigation.

It is therefore ordered that petitioner's request for extension of time (dkt. no. 19) is granted. Petitioner shall have through September 12, 2014, to file and serve a second amended petition.

DATED THIS 18th day of March 2014.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE