

1
2
3
4
5
6
7
8
9
10
11
12
13

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MAXIMILLIANO CISNEROS,)
)
 Petitioner,)
)
 vs.)
)
 WARDEN R. BAKER,)
)
 Respondent.)

3:13-cv-00033-LRH-VPC

ORDER

Petitioner Maximilliano Cisneros has paid the required filing fee and the Court has reviewed his petition and motion for appointment of counsel.

Petitioner was convicted on charges of second degree murder with the use of a deadly weapon. He is serving a sentence of two consecutive terms of ten years to life. He has presented claims alleging a denial of due process and ineffective assistance of counsel in the state court. The petition as presented herein raises only a claim that petitioner received ineffective assistance of post-conviction counsel where he may have been misled as to how much time he had to file his federal petition. He encloses a copy of the Nevada Supreme Court’s order affirming his conviction entered October 31, 2007, and a copy of his state post-conviction petition which was filed in November, 2008. The Court will construe the claims raised in these documents as being intended as claims in this action. The timeliness of the petition may be at issue.

Therefore, the Federal Public Defender for the District of Nevada (FPD) shall be appointed to represent petitioner. If the FPD is unable to represent petitioner, due to a conflict of interest or other

1 reason, then alternate counsel for petitioner shall be located, and the Court will enter a separate order
2 appointing such alternate counsel. In either case, counsel will represent petitioner in all future federal
3 proceedings relating to this matter (including subsequent actions) and appeals therefrom, unless allowed
4 to withdraw.

5 **IT IS THEREFORE ORDERED** that the petition and motion for appointment of counsel shall
6 be **filed and electronically served upon respondents**. Respondents shall file a notice of appearance
7 within twenty days of entry of this Order

8 **IT IS FURTHER ORDERED** that petitioner's Motion for Appointment of Counsel is
9 **GRANTED**. The Federal Public Defender is appointed to represent Petitioner.

10 **IT IS FURTHER ORDERED** that the Clerk shall **ELECTRONICALLY SERVE** the Federal
11 Public Defender for the District of Nevada (FPD) a copy of this Order, together with a copy of the
12 petition for writ of habeas corpus and its attachments (ECF No. 1-1). The FPD shall have thirty (30)
13 days from the date of entry of this Order to file a notice of appearance or to indicate to the Court its
14 inability to represent petitioner in these proceedings.

15 **IT IS FURTHER ORDERED** that, after counsel has appeared for petitioner in this case, the
16 Court will issue a scheduling order, which will, among other things, set a deadline for the filing of a First
17 Amended Petition.

18
19 DATED this 6th day of March, 2013.



20
21 LARRY R. HICKS
22 UNITED STATES DISTRICT JUDGE
23
24
25
26