

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

* * *

DONALD GLENN ESTES,

Petitioner,

v.

LaGRANDE, et al.,

Respondents.

Case No. 3:13-cv-00072-MMD-WGC

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. The petition was received by the Court on February 14, 2013. (Dkt. no. 1.) On April 11, 2013, this Court granted petitioner's motion for counsel and appointed the Federal Public Defender to represent petitioner in this action. (Dkt. no. 3.) Jeffrey M. Conner of the Nevada Attorney General's Office has entered an appearance for respondents. (Dkt. no. 7.) Debra Bookout of the Federal Public Defender's Office has entered an appearance on behalf of petitioner. (Dkt. no. 8.) The Court now sets a schedule for further proceedings in this action.

IT IS THEREFORE ORDERED that counsel for petitioner shall meet with petitioner as soon as reasonably possible, if counsel has not already done so, to: (a) review the procedures applicable in cases under 28 U.S.C. § 2254; (b) discuss and explore with petitioner, as fully as possible, the potential grounds for habeas corpus relief in petitioner's case; and (c) advise petitioner that all possible grounds for habeas corpus relief must be raised at this time in this action and that the failure to do so will likely result in any omitted grounds being barred from future review.

1 IT IS FURTHER ORDERED that petitioner shall have ninety (90) days from the
2 date of entry of this order, to file and serve on respondents an amended petition for writ
3 of habeas corpus, which shall include all known grounds for relief (both exhausted and
4 unexhausted).


5 IT IS FURTHER ORDERED that respondents shall have thirty (30) days after
6 service of an amended petition within which to answer, or otherwise respond to, the
7 amended petition. If petitioner does not file an amended petition, respondents shall
8 have thirty (30) days from the date on which the amended petition is due within which to
9 answer, or otherwise respond to, petitioner's original petition. In their answer or other
10 response, respondents shall address all claims presented in the amended petition.
11 Respondents shall raise all potential affirmative defenses in the initial responsive
12 pleading, including lack of exhaustion and procedural default. Successive motions to
13 dismiss will not be entertained.

14 IT IS FURTHER ORDERED that, if and when respondents file an answer,
15 petitioner shall have thirty (30) days after service of the answer to file and serve a reply.

16 IT FURTHER IS ORDERED that all state court record exhibits filed by the parties
17 herein shall be filed with an index of exhibits identifying the exhibits by number or letter.
18 The CM/ECF attachments that are filed shall further be identified by the number or
19 numbers (or letter or letters) of the exhibits in the attachment.

20 IT IS FURTHER ORDERED that the parties shall send courtesy (paper) copies of
21 all exhibits presented in this action to the Reno Division of this Court. Courtesy copies
22 shall be mailed to the Clerk of Court, 400 S. Virginia St., Reno, NV, 89501, and directed
23 to the attention of "Staff Attorney" on the outside of the mailing address label.

24
25 DATED THIS 6th day of June 2013.

26
27
28 
MIRANDA M. DU
UNITED STATES DISTRICT JUDGE