

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

* * *

CRAIG M. TITUS,

Petitioner,

v.

ROBERT LeGRAND, et al.,

Respondents.

Case No. 3:13-cv-00106-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. Previously, this Court denied petitioner's motion to proceed *in forma pauperis* and required petitioner to pay the filing fee for this action. (Dkt. no. 3.) Petitioner has now paid the filing fee for this action. (Dkt. no. 4.)

Petitioner has filed a motion for the appointment of counsel. (Dkt. no. 1-11.) There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). The petition on file in this action is well-written and sufficiently clear in presenting the issues that petitioner wishes to bring. The issues in this case are not complex. It does not appear that counsel is justified in this instance. The motion shall be denied.

1 The petition shall now be filed and served on respondents. A petition for federal
2 habeas corpus should include all claims for relief of which petitioner is aware. If
3 petitioner fails to include such a claim in his petition, he may be forever barred from
4 seeking federal habeas relief upon that claim. See 28 U.S.C. §2254(b) (successive
5 petitions).

6 IT IS THEREFORE ORDERED that the Clerk shall file and electronically serve
7 the petition (dkt. no. 1) upon the respondents.

8 IT IS FURTHER ORDERED that respondents shall have forty-five (45) days from
9 entry of this order within which to answer, or otherwise respond to, the petition. In their
10 answer or other response, respondents shall address all claims presented in the
11 petition. Respondents shall raise all potential affirmative defenses in the initial
12 responsive pleading, including lack of exhaustion and procedural default. Successive
13 motions to dismiss will not be entertained. If an answer is filed, respondents shall
14 comply with the requirements of Rule 5 of the Rules Governing Proceedings in the
15 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner
16 shall have forty-five (45) days from the date of service of the answer to file a reply.

17 IT IS FURTHER ORDERED that petitioner's motion for the appointment of
18 counsel (dkt. no. 1-11) is DENIED.


19 IT IS FURTHER ORDERED that any state court record exhibits filed by
20 respondents shall be filed with a separate index of exhibits identifying the exhibits by
21 number or letter. The hard copy of all state court record exhibits shall be forwarded, for
22 this case, to the staff attorneys in the Reno Division of the Court.

23 IT IS FURTHER ORDERED that, henceforth, petitioner shall serve upon the
24 Attorney General of the State of Nevada a copy of every pleading, motion, or other
25 document he submits for consideration by the Court. Petitioner shall include with the
26 original paper submitted for filing a certificate stating the date that a true and correct
27 copy of the document was mailed to the Attorney General. The Court may disregard
28 any paper that does not include a certificate of service. After respondents appear in this

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

action, petitioner shall make such service upon the particular Deputy Attorney General assigned to the case.

DATED THIS 18th day of June 2013.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE