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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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COLBERT F. NICHOLS,

Case No. 3:13-cv-00671-MMD-WGC

Petitioner,

v.

ORDER

ISIDRO BACA, et al.,

Respondents.

Following upon the order of the Court of Appeals reversing and remanding for reconsideration of all rulings herein, both procedural rulings and on the merits, and pending the issuance of the mandate, it is therefore ordered that counsel will meet and confer with one another regarding how to proceed.

In is further ordered that, within 7 days of issuance of the mandate, counsel will, either jointly or separately, file a motion or motions for a scheduling order setting forth the manner in which the parties recommend that reconsideration should proceed, whether: (a) following rejoinder of issue on a response to a counseled amended petition; (b) on two motions for reconsideration first as to the prior procedural rulings and thereafter the merits holdings, all on the existing pleadings without a counseled amended petition; (c) on supplemental briefing first as to the procedural rulings and thereafter the merits holdings; and/or (d) via some other procedure recommended by the parties. Any recommended scheduling order further should include provision for filing of the additional state court materials needed for reconsideration, specifying the additional record items that the parties either jointly or separately believe are needed for proper reconsideration per the remand order. Absent fully resetting the pleadings with a counseled amended petition,

1 and subject to the parties' recommendation(s) for the specific case, the Court generally
2 prefers briefing tied to a pending motion or motions rather than briefing disassociated
3 from a pending submission, as a pending motion is more readily trackable on CM/ECF
4 for case management purposes. Also absent fully resetting the pleadings and subject to
5 the parties' recommendation(s), the Court further generally would prefer not to break
6 reconsideration down into more subdivisions than the basic bifurcation between
7 procedural and merits reconsideration.

8 DATED THIS 4th day of June 2019.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE

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