

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

* * *

DUSTIN BARNETT,

Petitioner,

v.

STATE OF NEVADA, *et al.*,

Respondents.

Case No. 3:14-cv-00155-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.

On September 8, 2014, respondents filed an answer to the petition, along with an index of exhibits, and supporting Exhibits 1-113. (Dkt. nos. 10, 11, 12, 13, 14.) On October 24, 2014, the Court received a letter from petitioner. Petitioner seeks a “file-stamped copy of the answer and all contents that were mailed last month.” (Dkt. no. 16, at p. 1.) Petitioner complains that the answer “did not have a filing date on it.” (*Id.*). Both the answer and the index of exhibits include a certificate of service indicating that respondents served petitioner with the answer, the index of exhibits, and the exhibits. (Dkt. no. 10 at p. 15; dkt. no. 11 at p. 8.) Petitioner is informed that respondents properly served the answer and exhibits on him by United States mail, pursuant to Rule 5 of the Federal Rules of Civil Procedure. The Court declines to send petitioner the answer and all exhibits that were filed and served. To the extent that petitioner seeks a file-stamped copy of the first page of the answer and the first page of the index of exhibits, the Court will direct the Clerk of Court to send just those two pages to petitioner.

1 Petitioner's letter also seeks an extension of time in which to file a reply to the
2 answer. (Dkt. no. 16.) Good cause appearing, petitioner is granted an additional sixty
3 (60) days in which to file a reply to the answer.

4 Petitioner is reminded that all requests for court action must be styled as a
5 motion, not a letter. Additionally, petitioner's letter to the Court contains no certificate
6 stating that it was served on respondents. In the Court's scheduling order, filed July 25,
7 2014, this Court ordered as follows:

8 It is further ordered that, henceforth, petitioner shall serve upon the
9 Attorney General of the State of Nevada a copy of every pleading, motion,
10 or other document he submits for consideration by the Court. Petitioner
11 shall include with the original paper submitted for filing a certificate stating
12 the date that a true and correct copy of the document was mailed to the
Attorney General. The Court may disregard any paper that does not
include a certificate of service. After respondents appear in this action,
petitioner shall make such service upon the particular Deputy Attorney
General assigned to the case.

13 (Dkt no 7, at p. 2.) The Court, on this one occasion, will excuse petitioner's failure to
14 comply with his duty to serve a copy of his pleading on the Attorney General and attach
15 a certificate stating that he so served it. Petitioner is forewarned that from this point
16 forward, the Court will disregard any paper filed by petitioner that does not bear a
17 proper certificate of service on the Attorney General.

18 It is therefore ordered that petitioner's request for an extension of time to file a
19 reply is granted. Petitioner's reply to the answer shall be filed within sixty (60) days from
20 the date of entry of this order.

21 It is further ordered that the Clerk of Court shall send petitioner the first page of
22 the answer (dkt. no. 10, at p. 1) and the first page of the index of exhibits (dkt. no. 11, at
23 p. 1), bearing the date on which those documents were filed.

24 DATED THIS 29th day of October 2014.

25
26 
27 _____
28 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE