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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MELVIN CHARLES COLEMAN, JR.,

Petitioner,

vs.

ROBERT LEGRAND, *et al.*,

Respondents.

Case No. 3:14-cv-00337-RCJ-VPC

ORDER

Petitioner, through counsel, has filed his second amended petition (#18). Good cause appearing, petitioner's motion for leave to file juvenile records under seal (#19) is granted.

IT THEREFORE IS ORDERED that respondents shall file a response to the second amended petition, including potentially by motion to dismiss, within **ninety (90) days** of the date of this order, with any requests for relief by petitioner by motion otherwise being subject to the normal briefing schedule under the local rules. **Any response filed shall comply with the remaining provisions below, which are entered pursuant to Habeas Rule 4.**

IT FURTHER IS ORDERED that any procedural defenses raised by respondents in this case shall be raised together in a single consolidated motion to dismiss. In other words, the court does not wish to address any procedural defenses raised herein either in *seriatum* fashion in multiple successive motions to dismiss or embedded in the answer. Procedural defenses omitted from such motion to dismiss will be subject to potential waiver. Respondents shall not file a response in this case that

1 consolidates their procedural defenses, if any, with their response on the merits, except pursuant to 28
2 U.S.C. § 2254(b)(2) as to any unexhausted claims clearly lacking merit. If respondents do seek
3 dismissal of unexhausted claims under § 2254(b)(2): (a) they shall do so within the single motion to
4 dismiss **not** in the answer; and (b) they shall specifically direct their argument to the standard for
5 dismissal under § 2254(b)(2) set forth in *Cassett v. Stewart*, 406 F.3d 614, 623-24 (9th Cir. 2005). In
6 short, no procedural defenses, including exhaustion, shall be included with the merits in an answer. All
7 procedural defenses, including exhaustion, instead must be raised by motion to dismiss.

8 **IT FURTHER IS ORDERED** that, in any answer filed on the merits, respondents shall
9 specifically cite to and address the applicable state court written decision and state court record
10 materials, if any, regarding each claim within the response as to that claim.

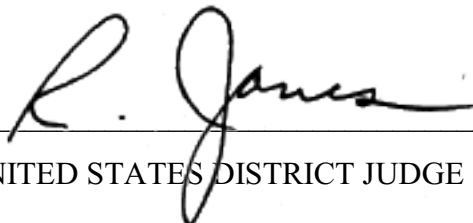
11 **IT FURTHER IS ORDERED** that petitioner shall have **thirty (30) days** from service of the
12 answer, motion to dismiss, or other response to file a reply or opposition, with any other requests for
13 relief by respondents by motion otherwise being subject to the normal briefing schedule under the local
14 rules.

15 **IT FURTHER IS ORDERED** that any additional state court record exhibits filed herein by
16 either petitioner or respondents shall be filed with a separate index of exhibits identifying the exhibits
17 by number. The CM/ECF attachments that are filed further shall be identified by the number or
18 numbers of the exhibits in the attachment. The hard copy of any additional state court record exhibits
19 shall be forwarded – for this case – to the staff attorneys in **Reno**.

20 **IT FURTHER IS ORDERED** that petitioner’s second motion to extend time (ECF #16) is
21 **GRANTED** *nunc pro tunc*.

22 **IT FURTHER IS ORDERED** that petitioner’s motion for leave to file juvenile records under
23 seal (ECF #19) is **GRANTED**.

24 DATED: This 11th day of February, 2015

25 
26 _____
27 UNITED STATES DISTRICT JUDGE
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