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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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HERIBERTO TORIBIO-RUIZ,

Case No. 3:14-cv-00492-MMD-WGC

Petitioner,

ORDER

v.

ISIDRO BACA et. al.,

Respondents.

Petitioner has submitted an application to proceed *in forma pauperis* (dkt. no. 4). The Court finds that petitioner is unable to pay the filing fee.

Petitioner has submitted a motion for appointment of counsel (dkt. no. 5). Petitioner is unable to afford counsel, and the issues presented warrant the appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B).

It is therefore ordered that the application to proceed *in forma pauperis* (dkt. no. 4) is granted. Petitioner need not pay the filing fee of five dollars (\$5.00).

It is further ordered that the Clerk of the Court shall file the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

It is further ordered that petitioner's motion for appointment of counsel (dkt. no. 5) is granted. The Federal Public Defender is provisionally appointed to represent petitioner.

It is further ordered that the Federal Public Defender shall have thirty (30) days from the date that this order is entered to undertake direct representation of petitioner or

1 to indicate to the Court his inability to represent petitioner in these proceedings. If the
2 Federal Public Defender does undertake representation of petitioner, he shall then have
3 sixty (60) days to file an amended petition for a writ of habeas corpus. If the Federal
4 Public Defender is unable to represent petitioner, then the Court shall appoint alternate
5 counsel.

6 It is further ordered that neither the foregoing deadline nor any extension thereof
7 signifies or will signify any implied finding of a basis for tolling during the time period
8 established. Petitioner at all times remains responsible for calculating the running of the
9 federal limitation period and timely asserting claims.

10 It is further ordered that the Clerk shall add Catherine Cortez Masto, Attorney
11 General for the State of Nevada, as counsel for respondents.

12 It is further ordered that the Clerk shall electronically serve both the Attorney
13 General of the State of Nevada and the Federal Public Defender a copy of the petition
14 and a copy of this order.

15 It is further ordered that respondents' counsel shall enter a notice of appearance
16 within twenty (20) days of entry of this order, but no further response shall be required
17 from respondents until further order of the Court.

18 It is further ordered that any exhibits filed by the parties shall be filed with a
19 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF
20 attachments that are filed further shall be identified by the number or numbers (or letter
21 or letters) of the exhibits in the attachment. The hard copy of any additional state court
22 record exhibits shall be forwarded — for this case — to the staff attorneys in Las Vegas.

23 DATED THIS 2nd day of January 2015.

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