

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**

JOSE IRAEL ALVAREZ,  
Petitioner,  
vs.  
DWIGHT NEVEN, et al.,  
Respondents.

Case No. 3:15-cv-00363-RCJ-WGC  
**ORDER**

Petitioner has filed a second amended petition for writ of habeas corpus (ECF No. 34). The court has reviewed it pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. The court will direct respondents to file a response.

Petitioner has filed a motion for leave to file exhibit under seal (ECF No. 36) and a motion to partially waive Local Rule IA 10-3(e) (ECF No. 38). The court grants these motions.

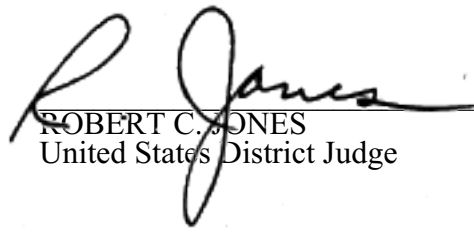
IT IS THEREFORE ORDERED that respondents shall have forty-five (45) days from the date of entry of this order to answer or otherwise respond to the second amended petition (ECF No. 34). Respondents shall raise all potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and procedural default. Successive motions to dismiss will not be entertained. If respondents file and serve an answer, then they shall comply with Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts, and then petitioner shall have forty-five (45) days from the date on which the answer is served to file a reply. If respondents file a motion, then the briefing schedule of Local Rule LR 7-2 shall apply.

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

IT IS FURTHER ORDERED that petitioner's motion for leave to file exhibit under seal (ECF No. 36) is **GRANTED**.

IT IS FURTHER ORDERED that petitioner's motion to partially waive Local Rule IA 10-3(e) (ECF No. 38) is **GRANTED**.

DATED: **January 24, 2017**.

  
ROBERT C. JONES  
United States District Judge