

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

* * *

CHARLES EUBANKS,

Case No. 3:16-cv-00336-MMD-WGC

Petitioner,

ORDER

v.

RENEE BAKER, *et al.*,

Respondents.

This action is a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by Charles Eubanks, a Nevada prisoner. Pursuant to this Court’s prior order (ECF No. 5), counsel for both parties have filed a notice of appearance in this proceeding. ECF Nos. 9 and 11. Thus, it is now appropriate for the Court to enter orders regarding the scheduling of this matter.

It is therefore ordered that counsel for petitioner shall contact petitioner as soon as reasonably possible to: (a) review the procedures applicable in cases under 28 U.S.C. § 2254; (b) discuss and explore with petitioner, as fully as possible, the potential grounds for habeas corpus relief in petitioner's case; and (c) advise petitioner that all possible grounds for habeas corpus relief must be raised at this time and that the failure to do so will likely result in the omitted grounds being barred from future review under the rules regarding successive petitions. Counsel for respondents should make available to counsel for petitioner (photocopying costs at the latter’s expense), as soon

1 as reasonably possible, a copy of whatever portions of the state court record they
2 possess regarding the judgment petitioner is challenging herein.


3 It is further ordered that counsel for petitioner shall file an amended petition for
4 writ of habeas corpus within sixty (60) days, which shall include all known grounds for
5 relief (both exhausted and unexhausted). Respondents shall have sixty (60) days after
6 the filing of the amended petition within which to answer, or otherwise respond to the
7 petition.

8 Petitioner will have 45 days following service of an answer by respondents to file
9 and serve a reply. Respondents will thereafter have 30 days following service of a reply
10 to file and serve a response to the reply.

11 If respondents file a motion to dismiss, petitioner will have 30 days following
12 service of the motion to file and serve an opposition to the motion. Respondents will
13 thereafter have 30 days following service of the opposition to the motion to file and
14 serve a reply.

15 It is further order that the Federal Public Defender's motion for extension of time
16 (ECF No. 10) is granted *nunc pro tunc* as of August 11, 2016.

17 DATED THIS 25th day of August 2016.

18
19
20
21 
22 _____
23 MIRANDA M. DU
24 UNITED STATES DISTRICT JUDGE
25
26
27
28