

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

\* \* \*

JAMIE ROSASCHI,

Petitioner,

v.

HAROLD WICKHAM, *et al.*,

Respondents.

Case No. 3:16-cv-00442-MMD-VPC

ORDER

Jeremy Baron, of the Federal Public Defender for the District of Nevada, has filed a motion to be appointed as counsel for petitioner Jamie Rosaschi in this 28 U.S.C. § 2254 habeas corpus action. Counsel explains that he currently represents Rosaschi in another federal habeas action on a related state case (ECF No. 9). Good cause appearing, the motion shall be granted. The Court sets forth a briefing schedule below. This briefing schedule replaces the briefing schedule set forth in this Court's order dated December 12, 2016 (*see* ECF No. 6).

It is therefore ordered that petitioner's motion for appointment of counsel (ECF No. 9) is granted.

It is further ordered that the Federal Public Defender for the District of Nevada (FPD) is appointed to represent petitioner.

It is further ordered that the Clerk electronically serve the FPD a copy of this order, together with a copy of the petition for writ of habeas corpus (ECF No. 7). The FPD will have thirty (30) days from the date of entry of this order to file a notice of appearance.

1           It is further ordered that counsel for petitioner meet with petitioner as soon as  
2 reasonably possible, if counsel has not already done so, to: (a) review the procedures  
3 applicable in cases under 28 U.S.C. § 2254; (b) discuss and explore with petitioner, as  
4 fully as possible, the potential grounds for habeas corpus relief in petitioner’s case; and  
5 (c) advise petitioner that all possible grounds for habeas corpus relief must be raised at  
6 this time in this action and that the failure to do so will likely result in any omitted grounds  
7 being barred from future review.

8           It is further ordered that petitioner will have ninety (90) days from the date of this  
9 order to file and serve on respondents an amended petition for writ of habeas corpus,  
10 which must include all known grounds for relief (both exhausted and unexhausted).

11           It is further ordered that respondents will have forty-five (45) days after service of  
12 an amended petition within which to answer, or otherwise respond to, the amended  
13 petition. If petitioner does not file an amended petition, respondents will have forty-five  
14 (45) days from the date on which the amended petition is due within which to answer, or  
15 otherwise respond to, petitioner’s original petition.

16           It is further ordered that, if and when respondents file an answer or other  
17 responsive pleading, petitioner will have thirty (30) days after service of the answer or  
18 responsive pleading to file and serve his response.

19           It is further ordered that any state court record exhibits filed by the parties herein  
20 must be filed with an index of exhibits identifying the exhibits by number or letter. The  
21 CM/ECF attachments that are filed must further be identified by the number or numbers  
22 (or letter or letters) of the exhibits in the attachment.

23           It is further ordered that the parties must send courtesy copies of all exhibits to the  
24 Reno Division of this Court. Courtesy copies must be provided to the Clerk of Court, 400  
25 S. Virginia St., Reno, NV, 89501, and directed to the attention of “Staff Attorney” on the  
26 outside of the address label. Additionally, in the future, all parties must provide courtesy  
27 copies of any additional exhibits submitted to the Court in this case, in the manner  
28 described above.

1 It is further ordered that in light of the appointment of counsel respondents' motion  
2 for extension of time to file a response to the petition (ECF No.10) is denied as moot.

3 DATED THIS 6<sup>th</sup> day of June 2017.

4   
5 \_\_\_\_\_  
6 MIRANDA M. DU  
7 UNITED STATES DISTRICT JUDGE  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28