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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

ROBERT LOGAN BERRY, JR., 6 Petitioner. 7 ٧. 8 ISIDRO BACA, et al., 9 Respondents.

Case No. 3:16-cv-00470-MMD-WGC

ORDER

Petitioner has filed an amended petition (ECF No. 25). 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.

It is therefore ordered that Respondents will have 45 days from the date of entry of this order to answer or otherwise respond to the amended petition (ECF No. 25). Respondents must 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.

It is further ordered that if Respondents file and serve an answer, then they must comply with Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts. Petitioner then will have 45 days from the date on which the answer is served to file a reply.

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¹Petitioner filed an amended petition at ECF No. 24. Petitioner then filed a notice of corrected image at ECF No. 25. The court will treat ECF No. 25 as the operative petition.

It is further ordered that if Respondents file and serve a motion, then Petitioner will have 45 days from the date of service of the motion to file a response to the motion. Respondents then will have 21 days from the date of service of the response to file a reply.

DATED THIS 3rd day of May 2019.

MIRANDA M. DU UNITED STATES DISTRICT JUDGE