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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JOHN MARK FENTON,

Case No. 3:16-cv-00749-MMD-VPC

Petitioner,

ORDER

v.

ISIDRO BACA, *et al.*,

Respondents.

Petitioner has filed a motion for appointment of counsel (ECF No. 11). Petitioner is unable to afford counsel, and the issues presented warrant the appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B).

Petitioner also has filed a motion for enlargement of time (first request) (ECF No. 10). This motion is moot because the court is appointing counsel, who will have the opportunity through this order to file an amended petition.

It is therefore ordered that petitioner's motion for appointment of counsel (ECF No. 11) is granted. The Federal Public Defender is provisionally appointed to represent petitioner.

It is further ordered that the Federal Public Defender will have thirty (30) days from the date that this order is entered to undertake direct representation of petitioner or to indicate to the court his inability to represent petitioner in these proceedings. If the Federal Public Defender does undertake representation of petitioner, he will then have sixty (60) days to file an amended petition for a writ of habeas corpus. If the Federal

1 Public Defender is unable to represent petitioner, then the court will appoint alternate  
2 counsel.

3 It is further ordered that neither the foregoing deadline nor any extension thereof  
4 signifies or will signify any implied finding of a basis for tolling during the time period  
5 established. Petitioner at all times remains responsible for calculating the running of the  
6 federal limitation period under 28 U.S.C. § 2244(d)(1) and timely asserting claims.

7 It is further ordered that the clerk will add Adam Paul Laxalt, Attorney General for  
8 the State of Nevada, as counsel for respondents.

9 It is further ordered that the clerk will electronically serve both the Attorney  
10 General of the State of Nevada and the Federal Public Defender a copy of the petition  
11 (ECF No. 7) and a copy of this order.

12 It is further ordered that respondents' counsel will enter a notice of appearance  
13 within twenty (20) days of entry of this order, but no further response will be required  
14 from respondents until further order of the court.

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

20 It is further ordered that petitioner's motion for enlargement of time (first request)  
21 (ECF No. 10) is denied as moot.

22 DATED THIS 1<sup>st</sup> day of September 2017.



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25 MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE