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7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF NEVADA

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10 LUIS CARDENAS-ORNELAS,

Case No. 3:17-cv-00461-MMD-VPC

11 Petitioner,

ORDER

12 v.

13 RENEE BAKER, *et al.*,

14 Respondents.

15 This habeas matter under 28 U.S.C. § 2254 comes before the Court on petitioner's  
16 application to proceed *in forma pauperis* (ECF No. 1), on his motion for appointment of  
17 counsel submitted with the petition (ECF No. 1-2), and for initial review under Rule 4 of  
18 the Rules Governing Section 2254 Cases.

19 The Court finds that petitioner is unable to pay the filing fee within a reasonable  
20 time and therefore will grant the pauper application.

21 Turning to petitioner's motion for appointment of counsel, the Court finds that  
22 appointment of counsel is in the interests of justice taking into account, *inter alia*, the  
23 lengthy sentence structure, the number and complexity of potential claims, and  
24 petitioner's relatively limited ability to articulate his claims in proper person with the  
25 resources available to him. The motion accordingly will be granted.

26 It is therefore ordered that petitioner's application to proceed *in forma*  
27 *pauperis* (ECF No. 1) is granted and that petitioner will not be required to pay the filing  
28 fee.

1           It is further ordered that the Clerk file the petition and motion for appointment of  
2 counsel, that the motion is granted, and that the Clerk reflect the grant of the motion when  
3 docketing the motion, in a manner consistent with the Clerk's current practice for such  
4 matters. The counsel appointed will represent petitioner in all federal proceedings related  
5 to this matter, including any appeals or *certiorari* proceedings, unless allowed to withdraw.

6           It is further ordered that the Federal Public Defender will be provisionally appointed  
7 as counsel and will have thirty (30) days to undertake direct representation of petitioner  
8 or to indicate to the Court the office's inability to represent petitioner in these proceedings.  
9 If the Federal Public Defender is unable to represent petitioner, the Court will then appoint  
10 alternate counsel. A deadline for the filing of an amended petition and/or seeking other  
11 relief will be set after counsel has entered an appearance. The Court anticipates, given  
12 the number of potential claims herein and the associated investigation potentially  
13 involved, setting the deadline for approximately one hundred fifty (150) days from entry  
14 of the formal order of appointment. Any deadline established and/or any extension thereof  
15 will not signify any implied finding of a basis for tolling during the time period established.  
16 Petitioner at all times remains responsible for calculating the running of the federal  
17 limitation period and timely presenting claims. That is, by setting a deadline to amend the  
18 petition and/or by granting any extension thereof, the Court makes no finding or  
19 representation that the petition, any amendments thereto, and/or any claims contained  
20 therein are not subject to dismissal as untimely. *See Sossa v. Diaz*, 729 F.3d 1225, 1235  
21 (9th Cir. 2013).

22           It is further ordered, so that the respondents may be electronically served with any  
23 papers filed through counsel, the Clerk will add state attorney general Adam P. Laxalt as  
24 counsel for respondents and will make informal electronic service of this order upon  
25 respondents by directing a notice of electronic filing to him. Respondents' counsel must  
26 enter a notice of appearance within twenty-one (21) days of entry of this order, but no  
27 further response will be required from respondents until further order of the Court.

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1 It is further ordered that the Clerk send a copy of this order to the *pro se* petitioner,  
2 the Nevada Attorney General, the Federal Public Defender, and the CJA Coordinator for  
3 this division.

4 It is further ordered that the Clerk provide copies of all prior filings herein to both  
5 the Attorney General and the Federal Public Defender in a manner consistent with the  
6 Clerk's current practice, such as regeneration of notices of electronic filing.

7 DATED THIS 6<sup>th</sup> day of November 2017.

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10 MIRANDA M. DU  
11 UNITED STATES DISTRICT JUDGE  
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